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FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

8301-8500

FOODS

The cases reported herewith were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

MAURICE COLLINS, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., *February 8, 1946.*

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BEVERAGES AND BEVERAGE MATERIALS*

8301. Action to enjoin and restrain the interstate shipment of adulterated and misbranded grapefruit juice. U. S. v. Edgar C. Christensen (Christensen Products Co.). Consent decree granting injunction. (Inj. No. 93.)

COMPLAINT FILED: May 11, 1945, Southern District of Texas, against Edgar C. Christensen, trading as the Christensen Products Co., at Weslaco, Tex.

NATURE OF CHARGE: From on or about February 25, 1938, to the time the complaint was filed, the defendant had been preparing, canning, and shipping in interstate commerce quantities of canned grapefruit juice that was adulterated and misbranded in the following manner: Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, maggots, whole adult scavenger flies and scavenger fly larvae, fly eggs, fly fragments, scaly insects, insect eggs, mold, and rodent hairs; Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it might have become contaminated with filth; and, Section 403 (a), a portion of the product was labeled "U. S. Grade A Fancy," which was false and misleading since it was contaminated with filth.

*See also No. 8457.

PRAYER OF COMPLAINT: That a preliminary injunction issue restraining the defendant from commission of the acts complained of, and that, after due proceedings, the preliminary injunction be made permanent.

DISPOSITION: August 25, 1945. The defendant having filed an answer denying the substantive allegations of the complaint, but having consented to the entry of a decree without admission of any of the issues in the case, judgment was entered enjoining the defendant from shipping in interstate commerce any adulterated grapefruit juice, conditioned that at the end of 1 year from the date of the entry of the decree, upon a favorable report from the Department of Justice with respect to the plant conditions, the court may terminate the injunction and dismiss the complaint.

8302. Adulteration and misbranding of Harrison's Orange Hut Orange (orange beverage base). U. S. v. Harrison Orange Corporation. Plea of guilty. Fine, \$100. (F. D. C. No. 10641. Sample No. 6388-F.)

INFORMATION FILED: May 3, 1944, Northern District of Illinois, against the Harrison Orange Corporation, Chicago, Ill.

ALLEGED SHIPMENT: On or about March 15, 1943, from the State of Illinois into the State of Missouri.

LABEL, IN PART: (Barrels) "From the Office & Factory of Harrison's Orange Corporation, 1502 S. Michigan Ave. Chicago, Ill. American Soda Water Company, 1328 Ann Avenue, St. Louis, Mo." The labeling also included certain counter display cards and labels which were shipped with the article; the labels apparently were intended to be used in labeling the finished product.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), an artificially colored mixture of water, sugar, orange pomace, phosphoric acid or acid phosphate, and orange peel oil, preserved with benzoate of soda and containing approximately 30 percent of orange juice and a negligible proportion of vitamin C, had been substituted for concentrated orange juice, which the product purported to be.

Misbranding, Section 403 (a), the labeling bore the designs of a whole orange, a cut orange, dripping juice, and a beverage stand with oranges piled on the counter. It also bore the following false and misleading statements: "Take Vitamins—the Delicious Way This is a Fruit Food Product * * * Orange Hut Orange It's Juice Rich * * * Enriched with pure fruit juices * * * Truly A Fresh Fruit Drink Harrison's Juice-Rich Orange Co. From Grove to Goblet." The statements and designs represented and implied that the article was concentrated orange juice, whereas it was not. Further misbranding, Section 403 (c), the product was an imitation orange juice concentrate and its label failed to bear, in type of uniform size and prominence, the word "imitation," and, immediately thereafter, the name of the food imitated; Section 403 (e) (2), it did not bear a label containing an accurate statement of the quantity of the contents, since it was shipped in barrels which bore no statement of the quantity of the contents; Section 403 (i) (1), its label did not bear the common or usual name of the food; and, Section 403 (i) (2), the label did not bear the common or usual name of each ingredient.

DISPOSITION: July 12, 1944. A plea of guilty having been entered on behalf of the defendant, a fine of \$100 was imposed.

8303. Adulteration and misbranding of orangeade. U. S. v. Carl Andrew Cook (Sun-Rich Products Co.). Plea of guilty. Fine, \$150. (F. D. C. No. 12520. Sample No. 41582-F.)

INFORMATION FILED: August 24, 1944, Eastern District of Louisiana, against Carl Andrew Cook, trading as the Sun-Rich Products Co., New Orleans, La.

ALLEGED SHIPMENT: On or about September 10, 1943, from the State of Louisiana into the State of Alabama.

LABEL, IN PART: "Sun-Glow Orange Ade Made from Fresh Ripe Fruit * * * Contains the juice of fresh California oranges * * * Rich In Vitamins."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), artificially colored and acidulated liquid, sweetened with sugar, flavored with orange oil, and containing orange pomace, a very small amount of orange juice, and an insignificant amount of vitamins, had been substituted in whole or in part for "Orange Ade * * * Rich In Vitamins," which the product purported and was represented to be; Section 402 (b) (3), the product purported to be and was represented as "Orange Ade" but it was inferior to orangeade and its inferiority had been concealed by the use of color, orange oil, and added acid;

and, Section 402 (b) (4), color, orange oil, and acid had been added to the product and mixed and packed with it so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (a), the label statements, "Orange Ade Made from Fresh Ripe Fruit * * * Rich In Vitamins Contains the juice of fresh California oranges," were false and misleading since the product was not orangeade, it was not rich in the vitamins contained in orange juice, and it did not contain substantial amounts of the juice of fresh California oranges; and, Section 403 (c), it was an imitation of another food, orangeade, and its label failed to bear, in type of uniform size and prominence, the word "imitation," and, immediately thereafter, the name of the food imitated.

DISPOSITION: March 15, 1945. A plea of guilty having been entered by the defendant, a fine of \$150 was imposed.

8304. Adulteration and misbranding of grape juice punch. U. S. v. 178 Cases of Grape Juice Punch. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14850. Sample No. 74200-F.)

LIBEL FILED: December 27, 1944, Northern District of Texas.

ALLEGED SHIPMENT: On or about November 8, 1944, by the California Associated Products Co., from Los Angeles, Calif.

PRODUCT: 178 cases, each containing 24 1-pint bottles, of grape juice punch at Dallas, Tex.

LABEL, IN PART: (Bottle) "Original Monterey Brand * * * Concord Grape Juice Punch."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (4), artificial flavor, color, and acids had been added to the article and mixed and packed with it so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (a), the label statement "Concord Grape Juice Punch" was false and misleading as applied to an artificially flavored and colored solution of water, sugar, and acids, containing an insignificant amount of fruit juice or juices; Section 403 (i) (2), the product was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; and, Section 403 (k), it contained artificial flavoring and it failed to bear labeling stating that fact.

DISPOSITION: February 1, 1945. The California Associated Products Co., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

8305. Misbranding of Mil-K-Botl Concentrate, Special Acid Solution, and Mil-K-Botl Color. U. S. v. 14 Cases of Mil-K-Botl Concentrate, 4½ Cases of Special Acid Solution, 1 Container of Mil-K-Botl Color, and a number of labels. Default decree of condemnation and destruction. (F. D. C. No. 10516. Sample No. 47807-F.)

LIBEL FILED: September 3, 1943, Southern District of Illinois.

ALLEGED SHIPMENT: On or about September 18, 1942, by the Mil-K-Botl Corporation of America, from St. Louis, Mo.

PRODUCT: 14 cases, each containing 6 1-gallon cans, of Mil-K-Botl Concentrate; 4½ cases, each containing 4 1-gallon jugs, of Special Acid Solution; 1 1-gallon container of Mil-K-Botl Color; and 1 lot of labels, at Alton, Ill. The labels accompanying the articles were intended for use on the finished beverage.

Examination of samples showed that the Concentrate consisted essentially of water, fruit pomace, and orange oil, and that it contained sodium benzoate; that the Special Acid Solution was a concentrated solution of citric acid; and that the Color was a water solution of F. D. C. Yellow #6, a certifiable coal-tar color. Examination of the Concentrate and Special Acid showed that neither product contained demonstrable quantities of vitamin B₁.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the following statements on the labels, which accompanied the articles when shipped in interstate commerce, and which were intended for use on the finished beverage made from these articles (with sugar and water to be added), were false and misleading: "Flavored with Fresh Oranges * * * The Vitamin Drink * * * Contains 50 Units B₁." The finished beverage, made in accordance with the directions on the label of the Concentrate, would not be flavored with fresh oranges, it would not be a vitamin drink, and it would not supply 50 units of vitamin B₁.

Further misbranding (Mil-K-Botl Concentrate), Section 403 (i) (2), the label of the product failed to bear the common or usual name of each ingredient; (Special Acid Solution), Section 403 (i) (1), the label of the product failed to bear a statement of the common or usual name of the food, i. e., citric acid solution; and, Section 403 (e) (2), it failed to bear a statement of the quantity of contents; and (Special Mil-K-Botl Color), Section 403 (i) (1), its label failed to bear its common or usual name, i. e., F. D. C. Yellow #6.

DISPOSITION: December 18, 1943. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

CEREALS AND CEREAL PRODUCTS

ALIMENTARY PASTES*

8306. Adulteration of macaroni. U. S. v. G. Santoro & Sons, Inc., and Joseph Santoro. Pleas of guilty. Corporation fined \$600; Joseph Santoro fined \$300 and sentenced to 30 days in jail, which sentence was reduced to 7 days. (F. D. C. No. 10628. Sample Nos. 17189-F, 45117-F, 45118-F.)

INFORMATION FILED: May 24, 1944, Eastern District of New York, against G. Santoro & Sons, Inc., a corporation, and Joseph Santoro, treasurer and general manager, Brooklyn, N. Y.

ALLEGED SHIPMENT: On or about January 26, May 24, and June 21, 1943, from the State of New York into the State of New Jersey.

LABEL, IN PART: "Santoro Grade A Macaroni."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, storage larvae, larva heads, and fragments resembling fragments of storage beetles and their larvae; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: November 9, 1944. Pleas of guilty were entered on behalf of both defendants. The corporation was fined \$600, and the individual defendant was fined \$300 and sentenced to serve a jail term of 30 days. On November 15, 1944, on motion of the Government, the jail sentence was reduced by the court to 7 days.

8307. Adulteration of alimentary paste. U. S. v. 108 Cartons of Alimentary Paste. Default decree of condemnation and destruction. (F. D. C. No. 14498. Sample Nos. 74723-F, 74830-F.)

LIBEL FILED: On or about November 28, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about October 20 and November 4, 1944, by the Favro Macaroni Manufacturing Co., from Seattle, Wash.

PRODUCT: 108 10-pound or 20-pound cartons of alimentary paste at Portland, Oreg.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: January 8, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

BAKERY PRODUCTS**

8308. Action to enjoin and restrain the interstate shipment of adulterated bakery products. U. S. v. Mose A. Lazere (Sioux City Bakery). Tried to the court. Preliminary injunction granted; consent decree granting permanent injunction. (Inj. No. 73.)

COMPLAINT FILED: September 15, 1944; amended September 19, 1944, Northern District of Iowa, against Mose A. Lazere, trading as the Sioux City Bakery at Sioux City, Iowa.

NATURE OF CHARGE: That, since December 12, 1941, until the time the complaint was filed, the defendant had been preparing and holding under insanitary conditions various bakery products and the raw materials used in their preparation; that the bakery products so prepared and held were adulterated under

*See also No. 8318.

**See also Nos. 8338, 8490, 8491.

Section 402 (a) (3) in that they consisted in whole or in part of filthy substances by reason of the presence of insect and larva parts, and were therefore unfit for food; and, Section 402 (a) (4), in that they had been held under insanitary conditions whereby they might have become contaminated with filth. It was also charged that the products so prepared and baked by the defendant were being offered for interstate shipment at various intervals from Sioux City, Iowa, to Sioux Falls and other cities in South Dakota.

PRAYER OF COMPLAINT: That a preliminary injunction issue restraining the defendant from commission of the acts complained of, and that, after due proceedings, the preliminary injunction be made permanent.

DISPOSITION: September 22, 1944. After a hearing by the court, a decree was entered granting a preliminary injunction, and the court handed down the following opinion, together with findings of fact and conclusions of law consonant with the opinion:

HENRY N. GRAVEN, *District Judge*: "Application for temporary injunction under Federal Food, Drug, and Cosmetic Act. In this the United States asks for a temporary injunction against the defendant, Mose A. Lazere, under 21 U. S. C. A. Section 332, 21 U. S. C. A. Section 331 (a) and 21 U. S. C. A. Section 342 (a) (3) and (4). Evidence was presented at some length in behalf of both parties.

"The defendant for some years has been the owner and operator of a wholesale bakery business carried on at 815 West 7th Street, Sioux City, Iowa. The great bulk of his trade is in the State of Iowa. However, he for some years past and at the present time ships about five per cent of his production in interstate commerce. The interstate commerce shipments are made to patrons residing in South Dakota.

"The defendant for sometime has been the subject of concern to the inspectors under the Federal Food, Drug, and Cosmetic Act. On May 15th and 16th 1944, Ralph L. Spink, one of those inspectors, inspected the premises. The building in which the defendant's operations are carried on is a one-story building. It includes among other rooms, a storage room where flour, sugar and salt are stored, and working rooms where the bakery products are prepared. In the storage room that inspector found a large number of sacks of flour which had been gnawed into by rodents, and a large number which had been contaminated by urine and excreta from the rodents. On a number of sacks of flour were found rodent excreta pellets numbering from one to fifty. A number of sugar sacks had been gnawed into by the rodents, and in one sack of sugar was found a mouse nest with several baby mice in it. In an elevator used to convey flour several live weevils were found. Cockroaches were found in a can of glucose, and around fifty cockroaches were found in the working room in an unused cooler. In the working room rodent excreta was also in evidence. Cans of fruit and other containers were standing in the work room with covers off and cockroaches were crawling into them. Silver fish bugs were found crawling around the work room. There was a strong odor of sewage in the basement. The general appearance of the work room was unclean. Inspector Spink talked the matter over with the defendant at the time and urged improvement in conditions and made some suggestions. On July 31st 1944, the premises were again inspected by Inspector Spink accompanied by Inspector Hubbell. While improvement had been made in some of the conditions, yet a new undesirable condition manifested itself in regard to flies. The abandoned cooling system which had contained so many cockroaches had been removed. Part of the walls had been painted. Cockroaches were still running around and bugs were crawling on the floor. Cans containing ingredients were standing open. The presence of rodents in the store room was still indicated. Live worms were found crawling in a recent shipment of flour. The fly situation was serious. In the portion where rolls were made each tray had from two to ten flies on it, and one tray had twenty-five flies on it. In other places flies were congregated in numbers running into the hundreds. There were no fly-traps or fly paper for the lessening of the fly population. It appears that immediately across the alley from the premises is an abandoned barn which is a breeding place for rodents, and the defendant has and will always have trouble with rodents as long as the barn is allowed to remain there. The defendant has been attempting to get the City of Sioux City to have the barn removed or destroyed. While some steps have been taken by the City towards that end, the barn is still there.

It also appears that the defendant has been greatly handicapped in keeping the premises clean because of shortage of help due to war conditions. The Federal Food, Drug, and Cosmetic enforcement agency caused loaves of defendant's bread which had been shipped to South Dakota, to be analyzed. An analysis of two different purchases of defendant's bread made in two different places in South Dakota showed the presence of rodent hairs and insect fragments.

"The defendant's contentions in the main are (1) that none of the matters found in the bread are injurious to the health, and that the conditions referred to under which his bakery goods are being produced, are not injurious to health; (2) that he is doing the best he can under the conditions and circumstances.

"In 21 U. S. C. A. Section 331 (a) it is provided :

The following acts and causing thereof are hereby prohibited :

(a) The introduction or delivery for introduction into interstate commerce of any food, drug, device, or cosmetic that is adulterated or misbranded.

"In 21 U. S. C. A. Section 342 (a) (3) and (4), it is provided :

A food shall be deemed to be adulterated—

(3) if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for food; or (4) if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health.

"In 21 U. S. C. A. Section 332, it is provided :

(a) The district courts of the United States * * * shall have jurisdiction, for cause shown, and subject to the provisions of section 381 (relating to notice to opposite party) of Title 28, as amended, to restrain violations of section 331, except paragraphs (e), (f), (h), (i), and (j).

"There were material changes made in the law by the New Federal Food, Drug, and Cosmetic Act of June 25th 1938. The provisions of the new act here noted became effective June 25th 1939, and because of the recent effective date the number of opinions under the new law are not numerous.

"The defendant strongly contends that it is necessary for the Government to show that the bakery products of the defendant were injurious to the health. The defendant offered medical testimony to the effect that because of the high heat under which bread is baked that the presence of parts of rodents and bugs in the bread would not injure the health. Medical testimony was also offered to the effect that for the same reason the production of bakery products under the filthy conditions heretofore described, would not injure the health. There was further medical testimony that people 'could eat nice [mice] and not hurt them,' and that a person could eat mouse excreta without hurt to health.

"It was the rule under the former Federal Food, Drug, and Cosmetic Act that in the case of adulterated food, proof that it was injurious to the health was not essential. *Anderson & Co. v. United States* (9th Cir. 1922), 284 F. 542; *United States v. Two Hundred Cases of Adulterated Tomato Catsup* (D. C. Oregon, 1914), 211 F. 780; *United States v. Two Hundred Cases, more or less of Canned Salmon* (D. C. Texas, 1923) 289 F. 157. Since the new Act is more stringent as to filthy food than the old act, the defendant's contention that the Government must show that the food in question is injurious to the health cannot be sustained. In the recent case of *United States v. Swift & Co.* (D. C. Georgia, 1943), 53 F. Supp. 1018, having to do with the meaning to be given to the word 'filthy' found in 21 U. S. C. A. Sec. 342 (a) (3), on page 1020 of the opinion it is stated :

Congress intended that the word "filthy," as used in the Act, should be construed to have its usual and ordinary meaning, and should not be confined to any scientific or medical definition.

"It would also seem plain that the term 'insanitary conditions' used in 21 U. S. C. A. Sec. 342 (a) (4), should also be construed to have its usual and ordinary meaning.

"It is the holding of the Court that the bakery products in question did consist of a 'filthy' substance under 21 U. S. C. A. 342 (a) (3), and were prepared under 'insanitary conditions' under 21 U. S. C. A. 342 (a) (4).

"It is the claim of the defendant that he should not be enjoined from shipping his bakery products in interstate commerce because he is doing the best he can in view of the difficulty of securing help and in view of the difficulties caused by the abandoned barn in the matter of the rodent problem. While the situation in which the defendant finds himself can be sympathetically understood, yet it would not be good law or good sense to permit a person to put filthy food substances into interstate commerce, or to permit a person to

prepare food for such purpose under insanitary conditions. The Federal Food, Drug, and Cosmetic Act does not provide that parties shall avoid doing such things if it is possible, it provides that it shall not be done at all. A party who cannot prepare proper food products under sanitary conditions must cease putting such products into interstate commerce. It is obvious that in the instant case the defendant cannot comply with the Federal Food, Drug and Cosmetic Act without a drastic rehabilitation of his premises, and that until such drastic rehabilitation is made that he should be enjoined from shipping or offering to ship in interstate commerce bakery products prepared on the premises in question."

On May 21, 1945, the defendant having consented, the preliminary injunction was made permanent. The court retained jurisdiction for the purpose of modifying or dissolving the decree, but ordered that no application for modification or dissolution be made prior to January 1, 1946.

8309. Adulteration of bakery products. U. S. v. Harvey R. Jones (New York Bakery). Plea of nolo contendere. Fine, \$270. (F. D. C. No. 14297. Sample Nos. 85707-F, 85709-F, 85713-F, 85715-F, 85719-F.)

INFORMATION FILED: March 16, 1945, District of Colorado, against Harvey R. Jones, doing business as the New York Bakery, Durango, Colo.

ALLEGED SHIPMENT: On or about August 12 and 14, 1944, from the State of Colorado into the State of New Mexico.

LABEL, IN PART: "Enriched Dutch Maid Bread," "Maple Bar," "Chocolate Malted Milk Cake," or "Cup Cakes."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insect parts and fragments, larvae, rodent hairs, whole beetles, hairs resembling rodent hairs, and a hair resembling a cat hair; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they might have become contaminated with filth.

DISPOSITION: July 23, 1945. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$250 on count 1, and \$5 on each of the other 4 counts, a total fine of \$270.

8310. Adulteration of fruit cake. U. S. v. 124 Fruit Cakes and 420 Boxes of Fruit Cake. Default decrees of condemnation and destruction. (F. D. C. Nos. 14864, 14903. Sample Nos. 79877-F, 83049-F.)

LIBELS FILED: On or about December 26, 1944, and January 5, 1945, District of Connecticut and Eastern District of Virginia.

ALLEGED SHIPMENT: On or about October 16 and November 10, 1944, by the Affiliated Bakers (Spilkes Bakery), from Brooklyn, N. Y.

PRODUCT: 124 1-pound fruit cakes at Waterbury, Conn., and 420 boxes, each containing 1 2-pound fruit cake, at Richmond, Va.

LABEL, IN PART: (Cakes) "Fruit Cake," or (boxes) "Golden Harvest Fruit Cake."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: February 6 and 16, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

8311. Misbranding of bread. U. S. v. Fluhrer Bakeries. Plea of guilty. Fine, \$75. (F. D. C. No. 14311. Sample Nos. 71059-F, 71060-F, 71204-F.)

INFORMATION FILED: April 20, 1945, District of Oregon, against Fluhrer Bakeries, a partnership, Medford, Oreg.

ALLEGED SHIPMENT: Between the approximate dates of March 13 and June 13, 1944, from the State of Oregon into the State of California.

LABEL, IN PART: "Large White 1½ Lb. Sliced Loaf Fluhrer's White Enriched Sliced."

VIOLATION CHARGED: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents

in terms of weight, since the loaves of bread weighed less than the declared amount.

DISPOSITION: June 8, 1945. A plea of guilty having been entered, the defendant was fined \$25 on each count, a total fine of \$75.

FLOUR

Nos. 8312 to 8326 report actions involving flour that was insect- or rodent-infested, or both. (In those cases in which the time of contamination is known, that fact is stated in the notice of judgment.) In addition, the flours reported in **Nos. 8327 to 8329** failed to meet the standards for enriched flour.

8312. Adulteration of flour. U. S. v. 240 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 15008. Sample No. 24170-H.)

LIBEL FILED: On or about January 22, 1945, Western District of Louisiana.

ALLEGED SHIPMENT: On or about May 26 and August 11, 1944, by the Quaker Oats Co., from Sherman, Tex., and St. Joseph, Mo.

PRODUCT: 17 bags, each containing 50 pounds, and 223 bags, each containing 25 pounds, of flour at Ruston, La.

LABEL, IN PART: "Enriched Crystal Wedding Flour Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils and larvae.

DISPOSITION: April 2, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8313. Adulteration of flour. U. S. v. 84 Bags and 11 Bags of Flour. Default decrees of condemnation. Product ordered used for animal feed. (F. D. C. Nos. 15019, 15020. Sample Nos. 20307-H, 33581-H.)

LIBELS FILED: On or about January 24 and 26, 1945, Western District of Oklahoma and Northern District of Texas.

ALLEGED SHIPMENT: On or about March 2, 1944, and January 3, 1945, by the Griffith Laboratories, Inc., from Omaha, Nebr., and Oklahoma City, Okla.

PRODUCT: 11 140-pound bags of flour at Dallas, Tex., and 84 140-pound bags of flour at Oklahoma City, Okla.

LABEL, IN PART: "Griffith's Gelatinous Flour."

VIOLATION CHARGED: Adulteration, Section 402 (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect fragments.

DISPOSITION: March 3 and 5, 1945. No claimant having appeared, judgments of condemnation were entered. The Oklahoma City lot was ordered sold, and the Dallas lot was ordered delivered to a charitable institution; both lots were to be used as animal feed.

8314. Adulteration of flour. U. S. v. 88 Bags of Flour. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 14752. Sample No. 98426-F.)

LIBEL FILED: December 12, 1944, Western District of Missouri.

ALLEGED SHIPMENT: In May 1944, by the Griffin Grocery Co., from Miami, Okla.

PRODUCT: 88 100-pound bags of flour, at Joplin, Mo.

LABEL, IN PART: "Fine & Dandy."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and insect fragments.

DISPOSITION: January 16, 1945. The Griffin Grocery Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was denatured by being mixed with other ingredients, and released for use as animal feed.

8315. Adulteration of flour. U. S. v. 27 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 14915. Sample No. 60753-F.)

LIBEL FILED: January 2, 1945, Northern District of California.

ALLEGED SHIPMENT: On or about October 12, 1944, from Portland, Oreg.

PRODUCT: 27 100-pound bags of flour at Emeryville (Oakland), Calif., in the possession of the Maryland Pacific Cone Co. This product had been stored under insanitary conditions after shipment. The bags were rodent-gnawed, and rodent pellets and urine stains were observed on them. Examination showed that the product contained rodent hairs, excreta, and urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: February 28, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

S316. Adulteration of flour. U. S. v. 210 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 15083. Sample No. 409-H.)

LIBEL FILED: On or about January 25, 1945, Southern District of Georgia.

ALLEGED SHIPMENT: On or about July 13, 1944, from Whitewater, Kans.

PRODUCT: 210 25-pound bags of flour at Augusta, Ga., in possession of McElmurray and Co. The product was stored under insanitary conditions after shipment. The bags were rodent-gnawed, and rodent pellets and urine stains were observed on them. Examination showed that the article contained rodent urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: February 28, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

S317. Adulteration of cracker flour. U. S. v. 82 Bags of Cracker Flour. Default decree of condemnation and destruction. (F. D. C. No. 14899. Sample No. 85407-F.)

LIBEL FILED: January 3, 1945, District of Maryland.

ALLEGED SHIPMENT: On or about December 6, 1944, by B. C. Friedman and Sons, Inc., from Philadelphia, Pa.

PRODUCT: 82 75-pound bags of cracker flour, at Cambridge, Md.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: April 21, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

S318. Adulteration of pancake flour, pastry flour, self-rising flour, plain flour, and spaghetti. U. S. v. 70 Cases of Pancake Flour, etc. Default decree of condemnation and destruction. (F. D. C. Nos. 14792 to 14795, incl. Sample Nos. 96885-F to 96890-F, incl.)

LIBEL FILED: On or about December 28, 1944, Southern District of Mississippi.

ALLEGED SHIPMENT: Between the approximate dates of October 23, 1943, and May 26, 1944, from Memphis, Tenn., St. Joseph, Mo., Enid, Okla., Mascoutah, Ill., and Omaha, Nebr.

PRODUCT: 70 cases, each containing 24 1¼-pound packages of pancake flour; 26 100-pound bags of pastry flour; 110 100-pound bags of plain flour or pastry flour; 78 25-pound bags of self-rising flour; 120 25-pound bags of plain flour; approximately 10 tons gross of various types of flour in 10 to 100 pound bags; and 30 cases, each containing 48 packages, of spaghetti, at Vicksburg, Miss., in the possession of the Vicksburg Candy Co. These products were stored after shipment, under insanitary conditions in that the establishment was heavily infested with rodents and insects. Examination showed that the products contained beetles, larvae, weevils, cast skins, insect fragments, and excreta.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they might have become contaminated with filth.

DISPOSITION: May 23, 1945. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

8319. Adulteration of pastry flour, soy flour, potato flour, plain flour, and corn flakes. U. S. v. 146 Bags of Plain Flour (and 9 other seizure actions against flour and corn flakes). Decrees of condemnation. Products ordered released under bond. (F. D. C. No. 15136. Sample Nos. 29025-H to 29034-H, incl.)

LIBELS FILED: Between February 6 and 10, 1945, Northern District of California.

ALLEGED SHIPMENT: Between the approximate dates of August 18 and December 14, 1944, from Portland and Pendleton, Oreg., Decatur, Ill., Tacoma, Wash., Twin Falls and Idaho Falls, Idaho, and Milwaukee, Wis.

PRODUCT: 523 100-pound bags of plain flour, 54 100-pound bags of potato flour, 240 100-pound bags of pastry flour, 132 100-pound bags of soy flour, and 22 50-pound bags of corn flakes at San Francisco, Calif., in the possession of the Old Coast Dakota Warehouse. The articles were stored under insanitary conditions after shipment. The bags were rodent-gnawed, and rodent pellets and urine stains were observed on them. Examination showed that the articles were contaminated with urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they might have become contaminated with filth.

DISPOSITION: April 16, 1945. Stiefvaters, San Francisco, Calif., having appeared as claimant, judgments of condemnation were entered and the products were ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

8320. Adulteration of pastry flour. U. S. v. 143 Bags of Cake Flour. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 14659. Sample No. 93649-F.)

LIBEL FILED: On or about December 22, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about August 24, 1944, from Springfield, Ohio.

PRODUCT: 143 100-pound bags of cake flour at Newark, N. J., in the possession of the Henry J. Shevelove Co. The article was stored under insanitary conditions after shipment. Rodent pellets and urine stains were observed on the bags, and examination showed that the article contained rodent pellets and urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: July 3, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as hog feed.

8321. Adulteration of phosphated flour, durum flour, whole wheat flour, rye flour, and plain flour. U. S. v. 237 Bags of Phosphated Flour (and 5 other seizure actions against durum flour, plain flour, whole wheat flour, and rye flour). Decrees of condemnation. Portion of product released under bond; remainder ordered destroyed, with the exception of 1 lot, which was ordered delivered to a Federal institution. (F. D. C. Nos. 12829, 13262, 13890, 14430, 16081, 16754. Sample Nos. 59884-F, 61685-F, 76792-F, 89928-F, 89929-F, 89931-F, 89932-F, 2874-H, 24489-H.)

LIBELS FILED: Between July 1, 1944, and June 26, 1945, Northern District of Illinois, Eastern and Western Districts of Louisiana, Western District of Arkansas, District of New Jersey, and District of Maryland.

ALLEGED SHIPMENT: Between the approximate dates of July 22, 1943, and May 2, 1945, by the Pillsbury Flour Mills, from Minneapolis, Minn., Enid, Okla., and Memphis, Tenn.

PRODUCT: 237 20-pound bags of phosphated flour at Ruston, La.; 24 200-pound barrels of durum flour at Chicago, Ill.; 6 100-pound bags, 40 50-pound bags, and 33 25-pound bags of plain flour, and 23 50-pound bags of phosphated flour at Fayetteville, Ark.; 54 100-pound bags of durum flour at Cumberland, Md.; 148 100-pound bags of whole wheat flour at New Orleans, La.; and 315 packages, each containing 10 5-pound bags, of rye flour at Hoboken, N. J.

LABEL, IN PART: "Pillsbury's Durmo Durum Patent Flour [or "Pure Rye Meal Flour," "Fancy Durum Patent Flour," "King Strength Whole Wheat Flour," "Candle Light Flr Blchd," "Best Enriched Phosphated Flour," or "Best Flour

* * * All Purpose Enriched Phosphated Flour Bleached"]," or "Globe 'A1' Flour Enriched Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of beetles, larvae, pupae, cast skins, insect fragments, weevils, rodent hair fragments, and rodent urine.

DISPOSITION: Between October 4, 1944, and July 13, 1945, no claimants having appeared for the Ruston, Cumberland, and Hoboken lots, judgments of condemnation were entered; the Hoboken lot was ordered delivered to a Federal institution, for use as hog feed, and the other lots were ordered destroyed. On January 2, 1945, the McCord Wholesale Grocery Co., Fayetteville, Ark., having appeared and filed a petition for intervention with respect to the Fayetteville lot, an order was entered permitting release of the product under bond, to be reprocessed and denatured under the supervision of the Food and Drug Administration so that the flour could not be used for human consumption. Between November 6, 1944, and August 1, 1945, the Pillsbury Mills, Inc., having appeared as claimant for the Chicago and New Orleans lots, judgments of condemnation were entered and the flour was ordered released under bond for conversion into stock feed under the supervision of the Food and Drug Administration.

8322. Adulteration of phosphated flour. U. S. v. 314 Bags of Phosphated Flour. Default decree of condemnation. Product ordered denatured and disposed of as stock feed. (F. D. C. No. 15018. Sample No. 20308-H.)

LIBEL FILED: January 22, 1945, Northern District of Oklahoma.

ALLEGED SHIPMENT: On or about November 29 and December 20, 1943, by the Arkansas City Flour Mills, from Arkansas City, Kans.

PRODUCT: 314 10-pound bags of phosphated flour at Tulsa, Okla.

LABEL, IN PART: "Hale's Leader Short Patent Phosphated Flour Bleached."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect fragments.

DISPOSITION: February 14, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered denatured and disposed of for use as stock feed under the supervision of the Food and Drug Administration.

8323. Adulteration of rye graham flour. U. S. v. 31 Bags of Rye Graham Flour (and 2 other seizure actions against rye graham flour). Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 14431, 14908, 15053. Sample Nos. 83089-F, 93864-F, 93865-F.)

LIBELS FILED: November 17, 1944, and January 10 and 12, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about October 26 and December 22, 1944, by the Ben Katz Extra Mills, from Hightstown, N. J.

PRODUCT: 121 100-pound bags of rye flour, at New York, N. Y. Examination showed the article to contain rodent excreta, rodent hair fragments, insect fragments, weevils, and larvae.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: March 26, 1945. Ben Katz, Hightstown, N. J., and the Cherry Bakeries, Inc., New York, N. Y., claimants for the respective portions of the product, having admitted the allegations of the libels, and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be denatured for use as animal feed under the supervision of the Food and Drug Administration.

8324. Adulteration of whole wheat flour. U. S. v. 32 Bags of Whole Wheat Flour. Default decree of condemnation and destruction. (F. D. C. No. 15080. Sample No. 11102-H.)

LIBEL FILED: January 22, 1945, District of Massachusetts.

ALLEGED SHIPMENT: On or about January 18, 1944, from Chambersburg, Pa.

PRODUCT: 32 bags, each containing 100 pounds, of whole wheat flour at Watertown, Mass., in the possession of the Gold'n Foods, Inc. This product was stored under insanitary conditions after shipment. The bags were rodent-gnawed, and rodent pellets and urine stains were observed on them. Examination showed that the article contained larvae and rodent urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: March 12, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8325. Adulteration of whole wheat flour. U. S. v. 12 Bags of Whole Wheat Flour. Default decree of condemnation. Product ordered sold to be denatured. (F. D. C. No. 14975. Sample No. 89912-F.)

LIBEL FILED: January 13, 1945, Western District of Tennessee.

ALLEGED SHIPMENT: On or about November 9, 1944, from Carthage, Mo.

PRODUCT: 12 100-pound bags of whole wheat flour at Memphis, Tenn., in the possession of the National Biscuit Co. The product was stored under insanitary conditions after shipment. The bags were rodent-gnawed, and rodent pellets and urine stains were observed on them. Examination showed that the article contained insect fragments and rodent pellets.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: March 2, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold, conditioned that it should not be disposed of as human food.

8326. Adulteration of whole wheat flour. U. S. v. 40 Bags of Whole Wheat Flour. Default decree of condemnation. Product ordered delivered to a Government penitentiary, for use as hog feed. (F. D. C. No. 14999. Sample No. 602-H.)

LIBEL FILED: January 22, 1945, Middle District of Georgia.

ALLEGED SHIPMENT: On or about November 8, 1944, from Memphis, Tenn.

PRODUCT: 40 100-pound bags of whole wheat flour at Columbus, Ga., in the possession of the Colonial Baking Co. The product was stored under insanitary conditions after shipment. The bags were rodent-gnawed, and rodent pellets and urine stains were observed on them. Examination showed that the article was contaminated with rodent urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: February 16, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal penitentiary, for use as hog feed.

8327. Adulteration and misbranding of enriched phosphated flour. U. S. v. 26 Bags of Enriched Phosphated Flour. Default decree of condemnation and destruction. (F. D. C. No. 12709. Sample No. 61618-F.)

LIBEL FILED: June 19, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about April 24, 1944, by the Burrus Mill and Elevator Co., from Fort Worth, Tex.

PRODUCT: 26 bags, each containing 100 pounds, of phosphated flour at New Roads, La.

LABEL, IN PART: "Enriched * * * White Dove Flour."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, thiamine (vitamin B₁) and iron, had been in part omitted from the article.

Misbranding, Section 403 (a), the label statement "Enriched * * * Flour" was false and misleading as applied to a product which failed to conform to the definition and standard of identity for enriched flour; and, Section 403 (g), the article failed to conform to the definition and standard for enriched flour, since the definition and standard requires that enriched flour shall contain in each pound not less than 2.0 milligrams of thiamine (vitamin B₁), and not less than 13.0 milligrams of iron, whereas the article contained approximately 0.64 milligram of thiamine, and 9.0 milligrams of iron per pound.

DISPOSITION: March 5, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8328. Adulteration and misbranding of enriched phosphated flour. U. S. v. 665 Bags of Enriched Flour. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 14631. Sample No. 90550-F.)

LIBEL FILED: December 13, 1944, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about October 13 and 27, 1944, by George Couch and Sons, from New Harmony, Ind.

PRODUCT: 665 25-pound bags of enriched flour at Combs, Ky.

LABEL, IN PART: (Bags) "Bleached Calcium Phosphate Added Betty Maid Flour Enriched with Vitamins and Iron."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, thiamine (vitamin B₁) and iron, had been in part omitted from the product.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard for enriched flour, since it contained approximately 1.70 milligrams of thiamine (vitamin B₁), and 8.84 milligrams of iron per pound, whereas the standard requires 2.0 milligrams of thiamine and 13.0 milligrams of iron per pound.

DISPOSITION: January 22, 1945. George Couch and Sons, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be remanufactured under the supervision of the Food and Drug Administration.

8329. Adulteration and misbranding of enriched flour. U. S. v. 380 Bags of Flour. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 14717. Sample No. 9686-F.)

LIBEL FILED: December 7, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about November 1, 1944, by the Texas Star Flour Mills, from Fort Worth, Tex.

PRODUCT: 380 100-pound bags of flour at New Orleans, La.

LABEL, IN PART: "Bleached Ambrosia Flour Enriched."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, thiamine (vitamin B₁) and iron, had been in part omitted from the product.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard for enriched flour, since it contained approximately 1.49 milligrams of thiamine (vitamin B₁) and 11.7 milligrams of iron per pound, whereas the standard requires not less than 2.0 milligrams of thiamine and not less than 13.0 milligrams of iron per pound.

DISPOSITION: December 29, 1944. The Texas Star Flour Mills, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for remilling and enrichment in conformity with the law, under the supervision of the Food and Drug Administration.

MISCELLANEOUS CEREAL PRODUCTS*

8330. Adulteration of white corn flakes. U. S. v. 52 Bags of White Corn Flakes. Default decree of condemnation and destruction. (F. D. C. Nos. 14531, 14532. Sample Nos. 74367-F, 74368-F.)

LIBEL FILED: November 30, 1944, Southern District of California.

ALLEGED SHIPMENT: On or about June 14, 1944, by the Decatur Milling Co., from Decatur, Ill.

PRODUCT: 52 bags, each containing 20 pounds, of white corn flakes at Los Angeles, Calif.

LABEL, IN PART: "Hexagon Brand Cream of Maize Bakers and Confectioners Corn Flakes."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect fragments.

DISPOSITION: December 20, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8331. Adulteration of corn grits. U. S. v. 600 Bags of Corn Grits. Default decree of condemnation and destruction. (F. D. C. No. 14624. Sample No. 82991-F.)

LIBEL FILED: December 5, 1944, Eastern District of New York.

*See also No. 8319.

ALLEGED SHIPMENT: On or about August 23, 1944, by the Miner-Hillard Milling Co., from Wilkes-Barre, Pa.

PRODUCT: 600 bags, each containing 100 pounds, of corn grits at Brooklyn, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect fragments, rodent excreta fragments, and rodent hair fragments.

DISPOSITION: March 12, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8332. Adulteration of corn meal. U. S. v. 117 Bags of Corn Meal. Default decree of condemnation. Product ordered denatured and donated to a charitable institution, for use as animal feed. (F. D. C. No. 14802. Sample No. 96882-F.)

LIBEL FILED: On or about December 27, 1945, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about October 31 and November 14, 1944, by the Shawnee Milling Co., from Shawnee, Okla.

PRODUCT: 117 10-pound bags of corn meal at Vicksburg, Miss.

LABEL, IN PART: "Snowdrift Cream Meal Kiln Dried."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hairs, and rodent excreta.

DISPOSITION: May 22, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered denatured and donated to a charitable institution, for use as animal feed.

8333. Adulteration of cracker meal. U. S. v. 74 Boxes of Cracker Meal. Default decree of condemnation and destruction. (F. D. C. No. 15054. Sample No. 2201-H.)

LIBEL FILED: January 19, 1945, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about December 27, 1944, by B. C. Friedman & Sons, Inc., from Philadelphia, Pa.

PRODUCT: 74 boxes, each containing 25 pounds, of cracker meal at Norfolk, Va.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: March 7, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8334. Misbranding of enriched farina. U. S. v. 30 Cases of Farina. Default decree of condemnation. Product ordered delivered to a charitable institution or destroyed. (F. D. C. No. 14716. Sample No. 90106-F.)

LIBEL FILED: December 8, 1944, Southern District of Iowa.

ALLEGED SHIPMENT: On or about September 24 and November 9, 1943, by Omar, Inc., from Omaha, Nebr.

PRODUCT: 30 cases, each containing 18 1-pound, 12-ounce boxes, of farina at Burlington, Iowa.

LABEL, IN PART: "Omar Vitamin Rich Farina."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the label designation "Vitamin Rich" was false and misleading since the article was not rich in vitamins; and, Section 403 (g) (1), the article purported to be enriched farina, but it failed to conform to the definition and standard for that food, since the definition and standard requires that enriched farina shall contain in each pound not less than 1.66 milligrams of thiamine (vitamin B₁), and not less than 6.0 milligrams of iron, whereas the article contained approximately 0.15 milligram of thiamine and 2.6 milligrams of iron per pound.

DISPOSITION: February 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution or destroyed.

8335. Adulteration of rolled oats. U. S. v. 34 Bags of Rolled Oats. Default decree of condemnation and destruction. (F. D. C. No. 15145. Sample No. 715-H.)

LIBEL FILED: February 6, 1945, Northern District of Georgia.

ALLEGED SHIPMENT: Between the approximate dates of September 15 and November 28, 1944, from Cedar Rapids, Iowa.

PRODUCT: 34 100-pound bags of rolled oats at Atlanta, Ga., in the possession of the Brown-Rogers-Dixon Co. This product had been stored under insanitary conditions after shipment. The bags had been rodent-gnawed, and rodent pellets and urine stains were observed on them. Examination showed that the product contained rodent excreta.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: April 30, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8336. Adulteration of popcorn. U. S. v. 400 Bags of Popcorn. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 14157. Sample No. 79747-F.)

LIBEL FILED: On or about November 8, 1944, Western District of Missouri.

ALLEGED SHIPMENT: On or about October 17, 1944, from Roanoke, Va., by the Roanoke Public Warehouse, for Manley, Inc., of North Kansas City, Mo.

PRODUCT: 400 100-pound bags of popcorn at North Kansas City, Mo.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, pupae, and rodent excreta; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: December 12, 1944. Manley, Inc., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was cleaned, and the portion found to be unfit for human consumption was denatured.

8337. Adulteration of rice. U. S. v. 515 Bags of Rice. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 15142. Sample No. 63923-F.)

LIBEL FILED: February 17, 1945, Southern District of Florida.

ALLEGED SHIPMENT: On or about September 9, 1944, by V. Markovitz, from the Douglas Shipline Storage Corporation, New Orleans, La.

PRODUCT: 515 100-pound bags of rice at Jacksonville, Fla.

LABEL, IN PART: (Bags) "Rice * * * Levy Rice Milling Co., Inc., New Orleans, La."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, insect fragments, and rodent urine.

DISPOSITION: April 9, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution, for use as animal or poultry feed.

CHOCOLATE, SUGARS, AND RELATED PRODUCTS*

CANDY**

8338. Adulteration of candy and cookies. U. S. v. R. Zatal Foods, Inc., and Israel Zatal and David Zatal. Pleas of guilty; fine of \$500 against all defendants jointly and severally on count 1, plus sentence on count 1 of 30 days in jail imposed upon both Israel and David Zatal; sentence suspended on remaining counts, and Israel and David Zatal placed on probation. (F. D. C. No. 14270. Sample Nos. 52521-F, 57087-F, 75625-F, 80770-F.)

INFORMATION FILED: April 23, 1945, Southern District of New York, against R. Zatal Foods, Inc., New York, N. Y., and Israel Zatal and David Zatal, treasurer and secretary, respectively, of the corporation.

ALLEGED SHIPMENT: Between the approximate dates of March 10 and July 15, 1944, from the State of New York into the States of Massachusetts, New Jersey, Pennsylvania, and Missouri.

*See also No. 8492.

**See also Nos. 8490, 8491, 8498, 8500.

LABEL, IN PART: (Portions) "Bemont Foods," or "Super-fine Cookies."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence (in the candy) of hair fragments and a hair resembling a rodent hair, and (in the cookies) rodent hair fragments, cat hair fragments, insect fragments, a feather fragment, a rodent excreta fragment, and a human hair fragment; and, Section 402 (a) (4), the articles had been prepared and packed under insanitary conditions whereby they might have become contaminated with filth.

DISPOSITION: April 26, 1945. Pleas of guilty having been entered on behalf of all defendants, the court imposed a fine of \$500 against them jointly and severally on count 1, and sentenced both individual defendants to 30 days in jail on the same count. Sentence was suspended on the remaining 3 counts, and Israel and David Zatal were placed on probation for 3 years and 2 years, respectively.

S339. Adulteration of candy. U. S. v. Jacob Garfunkel and Hyman Garfunkel (Surprise Candy Co). Pleas of guilty; each defendant fined \$1,000 and placed on probation for 1 year. (F. D. C. No. 14260. Sample Nos. 66156-F, 66159-F, 70613-F, 76128-F.)

INFORMATION FILED: July 3, 1945, Southern District of New York, against Jacob Garfunkel and Hyman Garfunkel, trading as the Surprise Candy Co., New York, N. Y.

ALLEGED SHIPMENT: Between the approximate dates of January 21 and March 1, 1944, from the State of New York into the States of New Jersey, Connecticut, and Washington.

LABEL, IN PART: (Carton) "Surprise Hy-Bar"; (wrapper) "Hy-Bar Made of Chocolate and Peanuts."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), a portion of the article consisted in whole or in part of a filthy substance and was otherwise unfit for food because of the presence of excessive amounts of grit, and the remainder consisted in whole or in part of a filthy substance because of the presence of rodent hairs, a rodent pellet, and rodent hair fragments; and, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: July 18, 1945. Pleas of guilty having been entered, each defendant was fined \$1,000 and placed on probation for 1 year.

S340. Adulteration of candy. U. S. v. Tom Huston Peanut Co. Plea of nolo contendere. Fine, \$2,000. (F. D. C. No. 14305. Sample Nos. 35248-F, 35249-F, 63209-F, 63234-F.)

INFORMATION FILED: April 2, 1945, Middle District of Georgia, against the Tom Huston Peanut Co., a corporation, Columbus, Ga.

ALLEGED SHIPMENT: On or about February 23 and 25, and April 7, 1944, from the State of Georgia into the States of Florida and North Carolina.

LABEL, IN PART: (Wrappers) "Tom's Nut Caramel [or "Full Dinner"]."

VIOLATION CHARGED: Adulteration, Section 402 (d), the article was confectionery and contained a nonnutritive substance, mineral oil.

DISPOSITION: June 14, 1945. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$500 on each count, a total fine of \$2,000.

S341. Adulteration of candy. U. S. v. 150 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 14625. Sample No. 76800-F.)

LABEL FILED: December 6, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about October 27, 1944, by Lafond Chocolatier, from New York, N. Y.

PRODUCT: 150 boxes, each containing 64 6 $\frac{1}{2}$ -ounce bars, of candy at Newark, N. J.

LABEL, IN PART: (Bars) "Vitarex Chocolate Nuts-Fruit."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: March 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8342. Adulteration of candy. U. S. v. 42 Cases of Candy. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14907. Sample No. 93660-F.)

LIBEL FILED: January 8, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about December 13, 1944, by the Jay-Dee Candy Co., Dallas, Tex.

PRODUCT: 42 cases, each containing 24 display packages of 18 pieces each, of candy at New York, N. Y. This product had become contaminated, during transit, with arsenic from a weed-killing substance.

LABEL, IN PART: "Jay-Dee's Famous Pecan Praline."

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the article was contaminated with a poisonous or deleterious substance, arsenic, which might have rendered it injurious to health.

DISPOSITION: April 24, 1945. The Springmeier Shipping Co., Inc., St. Louis, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

8343. Adulteration of candy. U. S. v. 34 Boxes of Candy. Default decree of destruction. (F. D. C. No. 14913. Sample No. 97649-F.)

LIBEL FILED: December 30, 1944, District of Minnesota.

ALLEGED SHIPMENT: On or about November 30, 1944, by the Bonita Candies, Inc., from Fond du Lac, Wis.

PRODUCT: 34 boxes, each containing 24 1¾-ounce bars, of candy at Minneapolis, Minn.

LABEL, IN PART: "Bonita Leaping Lena Cherry Bar."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: February 14, 1945. No claimant having appeared, judgment was entered ordering the product destroyed.

8344. Adulteration of candy. U. S. v. 8 Cases of Candy. Default decree of condemnation and destruction. (F. D. C. No. 14943. Sample No. 84265-F.)

LIBEL FILED: January 2, 1945, Northern District of California.

ALLEGED SHIPMENT: On or about October 3 and 7, 1944, by the Heller Candy Co., from New York, N. Y.

PRODUCT: 8 cases, each containing 6 10-pound cartons, of candy at San Francisco, Calif.

LABEL, IN PART: "Orange [or "Raspberry," "Mint," or "Pistacio"] Patties."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of contamination with naphthalene.

DISPOSITION: March 31, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8345. Adulteration of candy pack. U. S. v. 96 Cartons of Candy Pack. Default decree of condemnation and destruction. (F. D. C. No. 14452. Sample No. 73291-F.)

LIBEL FILED: November 8, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about April 18 and May 15, 1944, by R. L. Albert and Sons, from New York, N. Y.

PRODUCT: 96 1-pound, 12-ounce cartons of candy pack at Oakland, Calif.

LABEL, IN PART: "Altray Roundtop Candy Pack."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of beetles and webbing.

DISPOSITION: February 13, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8346. Adulteration of candy. U. S. v. 49 Cartons of Candy. Default decree of condemnation and destruction. (F. D. C. No. 14884. Sample No. 34979-F.)

LIBEL FILED: January 2, 1945, Northern District of Georgia.

ALLEGED SHIPMENT: On or about December 6, 1944, by the Morgan Candy Manufacturing Co., from Hickory, N. C.

PRODUCT: 49 cartons, each containing 24 bars, of candy at Atlanta, Ga.

LABEL, IN PART: "Tropic Bar."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: April 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8347. Misbranding of candy. U. S. v. 143 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 14962. Sample No. 73280-F.)

LIBEL FILED: January 5, 1945; amended March 27, 1945, Northern District of California.

ALLEGED SHIPMENT: On or about October 18, 1944, by the McPhail Chocolates Co., from Atlanta, Ga.

PRODUCT: 143 boxes of candy at San Francisco, Calif. These boxes had diagonal dividers which hindered filling them to capacity. They also contained less than the declared weight.

LABEL, IN PART: "Russell McPhail Chocolate Pecan Delights Half Pound Net."

VIOLATIONS CHARGED: Misbranding, Section 403 (d), the container was so filled as to be misleading, since the candy did not occupy the full capacity of the box; and, Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 4, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8348. Misbranding of chocolate bars. U. S. v. 13 Cases of Chocolate Bars. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 14910. Sample No. 94213-F.)

LIBEL FILED: January 12, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about December 15, 1944, by the Bachman Chocolate Mfg. Co., Mt. Joy, Pa.

PRODUCT: 13 cases, each containing 12 boxes, of 24 1 $\frac{3}{8}$ -ounce chocolate bars at New York, N. Y. Examination showed that the article consisted of sweet milk chocolate. The product contained approximately 45 percent sugars, of which only about $\frac{1}{3}$ was dextrose. The bar was made in the form of a block, with a hollow depression in the top, and it was wrapped in an opaque wrapper which served to conceal the depression.

LABEL, IN PART: (Bars) "Athlete 5¢ Sweet Milk Chocolate Bar."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the following statements which appeared in the label were false and misleading, since the article's total sugar content was only approximately one-third dextrose: "Rich in Pure Dextrose ('Muscle' Sugar) * * * The Value of Dextrose to Active People * * * Doctors call Dextrose 'muscle sugar'. Many athletes are given Dextrose before, during and after contests. Dextrose sugar is also prescribed for new-born babies, for growing children, for active men and women. Athlete Bar * * * provides an abundance of Dextrose to help fight fatigue and to build up a reserve supply of food energy * * * rich in pure Dextrose sugar"; and, Section 403 (d), the container was so made, formed, and filled as to be misleading, since the container, the opaque wrapper, concealed the deep depression in the chocolate bar.

DISPOSITION: February 1, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

8349. Misbranding of candy. U. S. v. 20 Boxes of Candy. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 14651. Sample No. 93642-F.)

LIBEL FILED: December 15, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about November 9, 1944, by Crown Confections, from Brooklyn, N. Y.

PRODUCT: 20 boxes, each containing 24 bags, of candy at Jersey City, N. J. The product consisted of small squares of clear sugar candy, colored brown and flavored with imitation maple flavor. Examination showed that the candy was short of the declared weight.

LABEL, IN PART: (Bags) "Kings Choice Maple Squares * * * Net Weight 2 Ozs."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the name "Maple Squares" was false and misleading as applied to an imitation maple product containing no maple; and, Section 403 (e) (2) the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: April 2, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

CHOCOLATE PRODUCTS

8350. Adulteration of chocolate-flavored sirup. U. S. v. 20 Jugs and 30 Cases of Chocolate Flavored Sirup. Default decree of condemnation and destruction. (F. D. C. No. 15133. Sample No. 2213-H.)

LIBEL FILED: February 17, 1945, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about October 30, 1943, by the Whitehall Food Manufacturing Corporation, from Kingsland, N. J.

PRODUCT: 20 1-gallon jugs and 30 cases, each containing 4 1-gallon jugs, of chocolate-flavored sirup, at Ahoskie, N. C. This product was undergoing fermentation.

LABEL, IN PART: (Jug) "Maison Royal Chocolate Flavored Syrup."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 16, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8351. Adulteration of malted, chocolate-flavored sirup. U. S. v. 16 Jugs and 10 Cases of Malted Chocolate Flavored Sirup. Default decree of condemnation and destruction. (F. D. C. No. 15134. Sample No. 2212-H.)

LIBEL FILED: February 17, 1945, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about November 8, 1943, by the Sero Syrup Co., from Brooklyn, N. Y.

PRODUCT: 16 1-gallon jugs and 10 cases, each case containing 4 1-gallon jugs, of malted, chocolate-flavored sirup at Ahoskie, N. C. This product was undergoing fermentation.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 16, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

SIRUPS

8352. Adulteration of imitation maple-flavored pancake sirup. U. S. v. 21 Cases of Imitation Maple Flavored Pancake Sirup. Default decree of condemnation and destruction. (F. D. C. No. 14059. Sample No. 80130-F.)

LIBEL FILED: October 20, 1944, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about August 1, 1944, by Silver Hill Products, Inc., from Brooklyn, N. Y.

PRODUCT: 21 cases, each containing 24 16-ounce jars, of imitation maple-flavored pancake sirup, at Champaign, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance, as was evidenced by mold.

DISPOSITION: February 1, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8353. Adulteration and misbranding of cane sirup. U. S. v. 29 Cases of Cane Sirup. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 15022. Sample No. 63960-F.)

LIBEL FILED: January 15, 1945, Southern District of Georgia.

ALLEGED SHIPMENT: On or about November 8, 1944, by the Dixie Lily Milling Co., from Williston, Fla.

PRODUCT: 29 cases, each containing 12 30-ounce bottles, of cane sirup at Brunswick, Ga.

LABEL, IN PART: (Bottles) "Webb's Best Cane Syrup * * * Manufactured by Webb's Syrup Co."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, cane sirup, had been in whole or in part omitted from the article; and, Section 402 (b) (2), a mixture of sugar sirup (partly inverted), cane sirup, a small amount of cream of tartar, and caramel color had been substituted in whole or in part for cane sirup.

Misbranding, Section 403 (a), the name on the label, "Webb's Best Cane Syrup," was false and misleading; Section 403 (c), the product was an imitation of another food, cane sirup, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; and, Section 403 (k), it contained artificial coloring and failed to bear labeling stating that fact.

DISPOSITION: March 12, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

8354. Adulteration and misbranding of sirup. U. S. v. 163 Cases of Sirup (and 3 other seizure actions against sirup). Default decrees of condemnation. Product ordered relabeled and sold. (F. D. C. Nos. 14395, 14396, 14611 to 14613, incl. Sample Nos. 63623-F, 63631-F, 63641-F, 64087-F, 64088-F.)

LIBELS FILED: On or about November 15 and on December 2, 1944, Northern District of Georgia.

ALLEGED SHIPMENT: On or about July 12, August 25, September 21, and October 30, 1944, by Webb's Syrup Co. and the Dixie Lily Milling Co., from Williston, Fla. (Webb's Syrup Co. is a trade name used by the Dixie Lily Milling Co.)

PRODUCT: 503 cases, each containing 12 bottles, of sirup at Atlanta, Ga.

LABEL, IN PART: "Webb's Special Delicious Cane and Maple Syrup * * * Made from cane sugar syrup, pure maple syrup and imitation flavor."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, maple sugar or maple sirup, had been in whole or in part omitted from the product; Section 402 (b) (2), an artificially flavored and colored mixture of sugar and water had been substituted in whole or in part for cane and maple sirup; and, Section 402 (b) (4), artificial color had been added to the product, or mixed or packed therewith, so as to make it appear better or of greater value than it was.

Misbranding, Section 403 (a), the names on the label of the product, "cane and maple syrup" and "made from cane sugar syrup, pure maple syrup and imitation flavor," were false and misleading as applied to an artificially flavored and colored sugar solution containing no, or an insignificant amount of, maple sirup; and, Section 403 (c), the product was an imitation of another food, maple sirup, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

DISPOSITION: June 14, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered relabeled and sold in compliance with the law.

8355. Adulteration and misbranding of griddlecake sirup. U. S. v. 40 Cases and 47 Bottles of Griddlecake Sirup. Consent decree of condemnation. Product released under bond. (F. D. C. No. 14402. Sample No. 88152-F.)

LIBEL FILED: November 13, 1944, District of Maine; amended January 26, 1945.

ALLEGED SHIPMENT: Between the approximate dates of July 24 and October 5, 1944, by the J. G. Generalis Co., from Boston, Mass.

PRODUCT: 32 cases, each containing 24 bottles, 8 cases, each containing 12 bottles, and 47 bottles, of griddlecake sirup.

LABEL, IN PART: (Bottles) "Victory V Seal Griddle Cake Syrup Contains 25 [or "50"] % Pure Vermont Maple Syrup."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, maple sugar or maple sirup, had been in whole or in part omitted from the product; and, Section 402 (b) (2), an artificially flavored and colored sugar sirup had been substituted for griddlecake sirup containing 25 percent (or 50 percent) maple sirup, which the label represented the product to be.

Misbranding, Section 403 (a), the label statement, "Contains 25 [or "50"]% Pure Vermont Maple Syrup," was false and misleading as applied to the product, which was an artificially flavored and colored sugar sirup containing an insignificant amount of maple sirup; and, Section 403 (c), the product was an imitation of another food, i.e., "Griddle Cake Syrup Contains 25 [or "50"]% Pure Vermont Maple Syrup," and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

DISPOSITION: February 2, 1945. J. G. Generalis, trading as the J. G. Generalis Co., having admitted the allegations of the libel, judgment of condemnation was entered. On March 3, 1945, upon petition by the claimant, the court ordered the product released under bond for relabeling under the supervision of the Food and Drug Administration.

8356. Misbranding of sorghum sirup. U. S. v. 122 Cases and 48 Cases of Sorghum Sirup. Decree of condemnation, with provision for release of the product under bond. (F. D. C. No. 14930. Sample No. 69534-F.)

LIBEL FILED: January 2, 1945, District of New Mexico.

ALLEGED SHIPMENT: Between the approximate dates of December 1, 1943, and February 1, 1944, by R. C. Hyatt, from Sulphur Springs, Tex.

PRODUCT: 170 cases, each containing 6 jars, of sorghum sirup, at Portales, N. Mex. The product was shipped unlabeled. Analysis showed that it was a mixture of sorghum sirup, sugar, and corn sirup.

VIOLATIONS CHARGED: Misbranding, Section 403 (e) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear an accurate statement of the quantity of the contents; and, Section 403 (i) (2), it was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: February 3, 1945. No claimant having appeared, judgment of condemnation was entered. The decree provided that the product be released in the event that R. C. Hyatt, Portales, N. Mex, should pay costs and execute a bond, conditioned that the sirup be labeled under the supervision of the Food and Drug Administration.

SUGAR

8357. Adulteration of sugar. U. S. v. 128 Bags of Sugar. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14968. Sample No. 89920-F.)

LIBEL FILED: January 13, 1945, Western District of Tennessee.

ALLEGED SHIPMENT: On or about November 9, 1944, from White Castle, La.

PRODUCT: 128 100-pound bags of sugar, at Memphis, Tenn., in the possession of the National Biscuit Co. The product was stored under insanitary conditions after shipment. Rodent pellets and urine stains were observed on the bags.

VIOLATION CHARGED: Adulteration, Section 402 (a) (4), the article had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: March 10, 1945. The National Biscuit Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for refining and recrystallization under the supervision of the Federal Security Agency.

8358. Adulteration of sugar. U. S. v. 203 Bags of Sugar. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14128. Sample No. 79762-F.)

LIBEL FILED: On or about October 30, 1944, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about October 18, 1943, from Jacksonville, Fla.

PRODUCT: 203 100-pound bags of sugar at Bluefield, W. Va., in the possession of Southern Maid, Inc. The bags containing the sugar were rodent-gnawed, and rodent pellets and urine stains were observed on them. Examination showed that the product contained rodent pellets, and that it was contaminated with urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been

held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: Southern Maid, Inc., claimant, having filed an answer admitting that the product was adulterated but denying that it had been held under insanitary conditions, consented to the entry of a decree. On January 13, 1945, the court having made its finding that the product was adulterated, but having made no finding with respect to the allegation that it had been held under insanitary conditions, judgment of condemnation was entered and the product was ordered released under bond to be refined under the supervision of the Food and Drug Administration.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 8359 to 8361; that was below the legal standard for milk fat content, Nos. 8361 to 8364; and that was short of the declared weight, Nos. 8365 to 8367.

8359. Adulteration of butter. U. S. v. 30 68-Pound Cubes of Butter. Default decree of condemnation. Product ordered sold for industrial use. (F. D. C. No. 14586. Sample No. 71944-F.)

LIBEL FILED: July 26, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about July 8, 1944, by the Purity Dairies, from Miles City, Mont.

PRODUCT: 30 68-pound cubes of butter at Seattle, Wash. Examination showed that the product contained rodent hair fragments, insect fragments, and straw fragments.

LABEL, IN PART: "Walter Ely Co. Seattle Wash. Distributors Butter."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed animal substance; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: July 3, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold after its conversion for industrial uses under the supervision of the Food and Drug Administration.

8360. Adulteration of butter. U. S. v. 12 Boxes and 12 Boxes (1,632 pounds) of Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 14363. Sample No. 73499-F.)

LIBEL FILED: October 5, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about September 7, 1944, by the Worland Creamery Co., from Worland, Wyo.

PRODUCT: 24 68-pound boxes of butter at San Francisco, Calif. Examination of samples showed that the product contained cat hairs, mites, and insect parts.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed substance; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: February 9, 1945. The Worland Creamery Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be disposed of for industrial nonfood use, under the supervision of the Federal Security Agency.

8361. Adulteration of butter. U. S. v. 68 Cartons (approximately 4,420 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15042. Sample Nos. 93633-F, 93637-F.)

LIBEL FILED: December 15, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about November 28, 1944, by the Producers Creamery Co., from Kirksville, Mo.

PRODUCT: 68 cartons, each containing approximately 65 pounds, of butter at Jersey City, N. J.

LABEL, IN PART: "June Dairy Products Co., Inc. Distributors Jersey City, N. J. 4330 Butter."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter; and,

Section 402 (a) (3), the product consisted in part of a filthy, putrid, or decomposed substance, mold.

DISPOSITION: April 2, 1945. The June Dairy Products Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond on condition that a portion be converted into fat for the manufacture of soap and the remainder be brought into compliance with the law, under the supervision of the Food and Drug Administration.

8362. Adulteration of butter. U. S. v. Quaker City Cooperative Creamery Co. Plea of guilty. Fine, \$300. (F. D. C. No. 14210. Sample Nos. 50294-F, 50400-F, 75607-F.)

INFORMATION FILED: February 23, 1945, Southern District of Ohio, against the Quaker City Cooperative Creamery Co., a corporation, Quaker City, Ohio.

ALLEGED SHIPMENT: Between the approximate dates of April 21 and May 11, 1944, from the State of Ohio into the State of West Virginia.

LABEL, IN PART: "Quaker City Butter * * * Cherry-Burrell Corporation Chicago."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: April 24, 1945. A plea of guilty having been entered, the defendant was fined \$300.

8363. Adulteration of butter. U. S. v. 50 Cartons (3,200 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15043. Sample No. 93638-F.)

LIBEL FILED: December 18, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about December 6, 1944, by the Hartley Creamery, Hartley, Iowa.

PRODUCT: 50 cartons, each containing 64 pounds, of butter at New York, N. Y.

LABEL, IN PART: "Butter Distributed by J. O. Marshall Draper-Valley Distributors, Inc. 503 New York, N. Y."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: January 9, 1945. The Draper-Valley Distributors, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

8364. Adulteration of butter. U. S. v. 19 Cartons and 10 Cartons (approximately 1,894 pounds) of Butter. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 15048, 15105. Sample Nos. 83096-F, 97620-F, 97917-F, 5641-H.)

LIBELS FILED: November 18, 1944, and January 10, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about October 30 and December 14, 1944, by the Hardy North Nielson Creamery, Thief River Falls, Minn.

PRODUCT: 19 cartons, each containing approximately 66 pounds, and 10 cartons, each containing approximately 64 pounds, of butter at New York, N. Y.

LABEL, IN PART: "Penn Blue Ridge Dairy * * * New York City Butter."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: December 12, 1944, and February 9, 1945. The Penn Blue Ridge Dairies, New York, N. Y., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

8365. Misbranding of butter. U. S. v. 21 Cartons (approximately 672 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 15044. Sample No. 93663-F.)

LIBEL FILED: November 28, 1944, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 22, 1944, by Samuel Dunkel, from New York, N. Y.

PRODUCT: 21 cartons, each containing approximately 32 pounds, of butter at Scranton, Pa. Examination disclosed that the product was short-weight.

LABEL, IN PART: "1 Lb. Net Fancy Creamery Butter Packed By Coburn Farm Products Corp. New York City, N. Y."

VIOLATION CHARGED: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: December 21, 1944. The Coburn Farm Products Corporation, claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The butter was reprinted into full pound prints.

8366. Misbranding of butter. U. S. v. 60 Cartons (approximately 1,920 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond for reprinting. (F. D. C. No. 15041. Sample No. 93626-F.)

LIBEL FILED: November 25, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about November 18, 1944, by the Ideal Food Products Co., from New York, N. Y.

PRODUCT: 60 cartons, each containing approximately 32 pounds, of butter at Newark, N. J. This product was short-weight.

LABEL, IN PART: "One Pound Net Creamery Butter Packed By Ben Goldenberg, Inc. New York, N. Y."

VIOLATION CHARGED: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: November 30, 1944. Irving Erman, trading as the Ideal Food Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into conformity with the law, under the supervision of the Food and Drug Administration.

8367. Misbranding of butter. U. S. v. 111 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15040. Sample Nos. 93621-F to 93625-F, incl.)

LIBEL FILED: November 25, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about November 10 and 13, 1944, by J. Rosenblum & Sons, from New York, N. Y.

PRODUCT: 111 cartons of butter at Paterson, N. J. This product was short of the declared weight.

LABEL, IN PART: "H. Semken & Co., Inc. N. Y. Lakewood Brand Butter One Pound 1 Lb. Net," "Lilly Lake Highest Grade Salt Butter Distributed by Weinberg Butter & Egg Co., Inc. New York, N. Y. One Pound Net," "Selected Creamery Butter 1 Lb. Net Packed by N. Meistrich & Son New York, N. Y.," or "One Pound Net Creamery Butter Packed by Ben Goldenberg, Inc. New York, N. Y."

VIOLATION CHARGED: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: November 28, 1944. J. Rosenblum & Sons, Paterson, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

CHEESE

8368. Adulteration of Cheddar cheese. U. S. v. Gold Medal Dairies, Inc. Plea of not guilty. Tried to a jury. Verdict of guilty. Fine, \$1,000. (F. D. C. No. 11329. Sample Nos. 30784-F, 30785-R.)

INFORMATION FILED: February 1, 1944, District of Montana, against the Gold Medal Dairies, Inc., Missoula, Mont.

ALLEGED SHIPMENT: On or about April 20 and 22, 1943, from the State of Montana into the State of Washington.

LABEL, IN PART: "Gold Medal American Cheddar Cheese."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent-gnawed areas and rodent hairs; and, Section 402 (a) (4), the cheese had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: April 11, 1944. A plea of not guilty having been entered on behalf of the defendant, the case was tried to a jury which returned a verdict of

guilty. The court imposed a fine of \$500 on each of 2 counts, a total fine of \$1,000.

8369. Adulteration of cheese spread. U. S. v. 5 Cartons and 3 Cartons of Cheese Spread (and 2 other seizure actions against cheese spread). One lot condemned and ordered destroyed; remaining lots ordered disposed of for animal feed, or destroyed. (F. D. C. Nos. 14841, 14949, 14950. Sample Nos. 78967-F, 97709-F to 97711-F, incl.)

LIBELS FILED: On or about January 5 and 8, 1945, District of Minnesota and Northern District of Illinois; amended libel filed January 12, 1945, District of Minnesota, to include shipment of additional lot.

ALLEGED SHIPMENT: Between the approximate dates of November 3 and 28, 1944, by the Spring Green Creamery and Cheese Industry, Inc., from Spring Green, Wis.

PRODUCT: 11 cartons, each containing 100 7-ounce packages, of cheese spread at Minneapolis, Minn., and 1,180 7-ounce packages of cheese spread at Chicago, Ill.

LABEL, IN PART: "Prins Hendrik Cheese Spread."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, and manure fragments; and (portion), Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: February 28 and March 10, 1945. No claimant having appeared for the product, judgments were entered ordering that the Chicago lot be condemned and destroyed, and that the remaining lots be disposed of as animal feed, or destroyed.

8370. Adulteration of Kronost or Bondost cheese. U. S. v. 40 Boxes of Cheese. Default decree of condemnation and destruction. (F. D. C. No. 15006. Sample No. 78968-F.)

LIBEL FILED: On or about January 31, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 27, 1944, by C. E. Zuercher, from Chicago, Ill., to Spring Green, Wis. The shipment was stopped at Richland, Wis., and returned to Chicago, Ill.

PRODUCT: 40 boxes containing a total of 3,800 pounds of Kronost or Bondost cheese in 1½-pound pieces, at Chicago, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of mites and rind rot.

DISPOSITION: March 13, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8371. Adulteration of Italian type cheese. U. S. v. 400 Cases of Cheese. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 14382. Sample No. 34939-F.)

LIBEL FILED: November 15, 1944, Northern District of Florida.

ALLEGED SHIPMENT: On or about October 5, 1944, by the Hygrade Food Products Corporation, from New York, N. Y.

PRODUCT: 400 cases, each containing 6 5-pound loaves, of cheese at Quincy, Fla.

LABEL, IN PART: "Shelby Brand Provolone Type Process Loaf Distributed by Dunlevy-Franklin Corporation—Pittsburgh, Pa."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, cat hair fragments, wood splinters, and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: February 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

8372. Adulteration of grated, Italian type cheese. U. S. v. 49 Cartons of Grated Cheese. Default decree of condemnation and destruction. (F. D. C. No. 12089. Sample Nos. 60542-F to 60545-F, incl.)

LIBEL FILED: March 27, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about February 2, 1944, by the Ehrat Cheese Co., from Chicago, Ill.

PRODUCT: 49 cartons, each containing 12 shaker-top cartons, of grated cheese at Oakland, Calif.

LABEL, IN PART: "Riviera Brand Grated Parmesan Cheese Prepared with Parmesan," and "Circle E Sharp Tasty Grated Italian Style Cheese."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of mites and rodent hair fragments.

DISPOSITION: April 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8373. Misbranding of grated, Italian type cheese. U. S. v. 7 Cases of Grated Cheese. Default decree of condemnation and destruction. (F. D. C. No. 14188. Sample No. 73539-F.)

LIBEL FILED: November 8, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about December 14, 1943, by the Italian Importing Corp., from Brooklyn, N. Y.

PRODUCT: 7 cases, each containing 10 packages of 12 cans each, of grated cheese at San Francisco, Calif.

LABEL, IN PART: "ICCO Brand Grated Argentine Parmesan Type Cheese."

VIOLATION CHARGED: Misbranding, Section 403 (d), the container of the product was so filled as to be misleading, since the cheese occupied an average of about 63.2 percent of the capacity of the can.

DISPOSITION: April 25, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MILK

8374. Adulteration of evaporated milk. U. S. v. The Borden Co. Plea of nolo contendere. Fine, \$250. (F. D. C. No. 12555. Sample No. 58329-F.)

INFORMATION FILED: September 5, 1944, District of Arizona, against the Borden Co., a corporation, Tempe, Ariz.

ALLEGED SHIPMENT: On or about September 20, 1943, from the State of Arizona into the State of New Mexico.

LABEL, IN PART: "Borden's * * * Evaporated Milk."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, manure-like fibers, a hair resembling cattle hair, a hair resembling rodent or cat hair, and a feather part; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: December 12, 1944. A plea of nolo contendere having been entered on behalf of the defendant, a fine of \$250 was imposed.

8375. Adulteration of dried skim milk. U. S. v. 32 Bags of Skim Milk. Default decree of condemnation and destruction. (F. D. C. No. 14998. Sample No. 54664-F.)

LIBEL FILED: On or about January 26, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 17, 1944, by the Dairyland Milk Corp., from Oelwein, Iowa.

PRODUCT: 32 100-pound bags of dried skim milk at Chicago, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments.

DISPOSITION: March 10, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8376. Misbranding of skim milk powder. U. S. v. 25 Drums of Skim Milk Powder. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15059. Sample No. 90274-F.)

LIBEL FILED: January 16, 1945, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about December 5, 1944, by the Pevely Dairy Co., from St. Louis, Mo.

PRODUCT: 25 drums, each containing approximately 70 pounds, of skim milk powder at East St. Louis, Ill.

LABEL, IN PART: (Portion of drums) "Pevely Roller Process Super Test Skim Milk Powder."

VIOLATIONS CHARGED: Misbranding, Section 403 (g) (1), the product purported to be and was represented as nonfat dry milk solids, or defatted milk solids, a food for which a definition and standard of identity has been prescribed, and it failed to conform to such definition and standard since it was not made from sweet milk of cows but was made from neutralized sour skim milk, and since it contained over 5 percent by weight of moisture; and Section 403 (g) (2), (unlabeled drums only) the label failed to bear the name of the food specified in the definition and standard.

Further misbranding, Section 403 (e) (1), (unlabeled drums only) the product was a food in package form and it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 403 (e) (2), (all drums) it failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: January 30, 1945. The Pevely Dairy Co., St. Louis, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for use in stock feeding, under the supervision of an officer of the Federal Security Agency.

EGGS

8377. Adulteration of dried whole eggs. U. S. v. 20 Barrels of Dried Whole Eggs. Default decree of condemnation. Product ordered delivered to a Federal institution, for use as animal feed. (F. D. C. No. 14562. Sample No. 82871-F.)

LIBEL FILED: November 21, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about August 30, 1944, by the Van Vechten Milling Corp., Newark, N. J.

PRODUCT: 20 barrels, each containing 200 pounds, of dried whole eggs at Bronx, N. Y.

LABEL, IN PART: "Spray Dried Whole Egg * * * Samuel Dunkel & Co., Inc. N. Y. C., N. Y."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 23, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution, for use as animal feed.

8378. Adulteration of dried eggs. U. S. v. 11 Barrels of Dried Eggs. Default decree of condemnation. Product ordered delivered to a public institution, for use as animal feed. (F. D. C. No. 14860. Sample No. 93643-F.)

LIBEL FILED: December 27, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about November 3, 1944, by J. J. Shevelove, agent for the Van Vechten Mfg. Corp., from Brooklyn, N. Y.

PRODUCT: 11 barrels containing approximately 1,800 pounds of dried eggs at Newark, N. J.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 2, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

8379. Adulteration of dried whole eggs. U. S. v. 2 Barrels, 7 Barrels, and 13 Barrels of Dried Whole Eggs. Default decree of condemnation. Product ordered delivered to a Federal correctional institution. (F. D. C. No. 15057. Sample Nos. 82874-F to 82876-F, incl.)

LIBEL FILED: January 16, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about March 23 and April 5, 1943, by the F. S. C. C., from Brooklyn, N. Y.

PRODUCT: 22 200-pound barrels of dried whole eggs at Jersey City, N. J.

LABEL, IN PART: "Samuel Dunkel and Co. Inc., New York, N. Y."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal correctional institution, for use as hog feed.

8380. Adulteration of frozen eggs. U. S. v. Harry D. Shoemaker (Iowa Pacific Butter & Egg Co.). Plea of guilty. Fine, \$400 and costs. (F. D. C. No. 12563. Sample Nos. 49624-F to 49626-F, incl., 57462-F.)

INFORMATION FILED: February 20, 1945, Southern District of Iowa, against Harry D. Shoemaker, trading as the Iowa Pacific Butter & Egg Co., Ottumwa, Iowa.

ALLEGED SHIPMENT: Between the approximate dates of June 5 and July 14, 1943, from the State of Iowa into the State of New York.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: September 14, 1945. The defendant having entered a plea of guilty, the court imposed a fine of \$100 on each count, a total fine of \$400 and costs.

8381. Adulteration of frozen whole eggs. U. S. v. 37 Cans of Frozen Whole Eggs. Default decree ordering product disposed of as animal feed or destroyed. (F. D. C. No. 14948. Sample No. 97713.)

LIBEL FILED: January 5, 1945, District of Minnesota.

ALLEGED SHIPMENT: On or about March 28, 1944, by the Cudahy Packing Co., from Fairmount, N. Dak.

PRODUCT: 37 30-pound cans of frozen whole eggs at New Ulm, Minn.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 28, 1945. No claimant having appeared, judgment was entered ordering that the product be destroyed or disposed of as animal feed, under the direction of the Food and Drug Administration.

8382. Adulteration of frozen whole eggs. U. S. v. 285 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14508. Sample No. 90731-F.)

LIBEL FILED: On or about November 27, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 9, 1944, by Rothenberg & Schneider Brothers, Inc., Chicago, Ill.

PRODUCT: 285 30-pound cans of frozen whole eggs at Cincinnati, Ohio.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: December 27, 1944. Rothenberg & Schneider Brothers, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

8383. Adulteration of frozen whole eggs. U. S. v. 124 Cans of Frozen Whole Eggs. Default decree of condemnation. Unfit portion ordered segregated and destroyed. (F. D. C. No. 13664. Sample No. 59931-F.)

LIBEL FILED: September 15, 1944, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about July 7, 1944, by the Ballas Egg Products Co., Inc., from Zanesville, Ohio.

PRODUCT: 124 30-pound cans of frozen whole eggs at Milwaukee, Wis.

LABEL, IN PART: "Red Star Frozen Eggs."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 1, 1945. No claimant having appeared, judgment of condemnation was entered, and it was ordered that the unfit portion of the product be segregated and destroyed and that the fit portion be disposed of in compliance with the law.

8384. Adulteration of frozen whole eggs. U. S. v. 77 Cartons of Frozen Whole Eggs. Default decree of condemnation and destruction. (F. D. C. No. 14748. Sample No. 59967-F.)

LIBEL FILED: On or about December 15, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 11, 1944, by the Tracy Products Co., from Tracy, Minn.

PRODUCT: 77 30-pound cartons of frozen whole eggs at Chicago, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 16, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8385. Adulteration of frozen whole eggs. U. S. v. 1,730 Cans of Frozen Whole Eggs. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 14199. Sample No. 98660-F.)

LIBEL FILED: On or about November 15, 1944, Western District of Missouri.

ALLEGED SHIPMENT: On or about July 3, 1944, by the Wist Produce Co., from Webster, S. Dak.

PRODUCT: 1,730 30-pound cans of frozen eggs at Carthage, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: November 24, 1944. Armour & Co., Chicago, Ill., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The unfit portion was segregated and denatured.

8386. Adulteration of frozen whole eggs. U. S. v. 311 Cans and 457 Cans of Frozen Whole Mixed Eggs. Default decrees of condemnation and destruction. (F. D. C. Nos. 13258, 13259. Sample No. 67834-F.)

LIBELS FILED: August 17, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: Between the approximate dates of April 12 and August 2, 1944, by the Allied Egg Products Co., Covington, Ky.

PRODUCT: 768 30-pound cans of frozen whole eggs at Cincinnati, Ohio.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 26, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

FISH AND SHELLFISH

8387. Adulteration of herring tidbits. U. S. v. 85 Cases, 12 Cases, and 3 Cases of Herring Tidbits. Default decrees of condemnation and destruction. (F. D. C. Nos. 14534, 14689. Sample Nos. 83483-F, 83890-F, 83891-F.)

LIBELS FILED: December 1 and 27, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about October 6, 1944, by the Metropolitan Pool Car Association, from New York, N. Y.

PRODUCT: 85 cases, each containing 12 12-ounce jars, of herring tidbits at Seattle, Wash., and 12 cases, each containing 24 8-ounce jars, and 3 cases, each containing 12 12-ounce jars, of herring tidbits at Bellingham, Wash. This product was undergoing active fermentation.

LABEL, IN PART: "Tidbits of Herring in Wine Sauce North Atlantic Fishery Products, Inc. New York, N. Y.," or "Ocean Silver Brand Herring Tid-Bits in Wine Sauce [on portion, "Sea King Food Corp. New York, N. Y."]."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 26 and 28, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

8388. Adulteration of herring tidbits. U. S. v. 23 Cases and 8 Cases of Herring Tidbits. Default decree of condemnation and destruction. (F. D. C. No. 14533. Sample No. 83481-F.)

LIBEL FILED: December 4, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about October 11, 1944, by the Sea King Food Corporation, from New York, N. Y.

PRODUCT: 23 cases, each containing 24 8-ounce jars, and 8 cases, each containing 12 12-ounce jars, of herring tidbits, at Seattle, Wash. This product was undergoing active fermentation.

LABEL, IN PART: "Tidbits of Herring [or "Ocean Silver Herring Tid-Bits"] in Wine Sauce."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 31, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8389. Adulteration of frozen lobster meat. U. S. v. 24 Boxes of Frozen Lobster Meat. Default decree of condemnation and destruction. (F. D. C. No. 14660. Sample Nos. 82023-F, 82026-F, 93629-F.)

LIBEL FILED: On or about December 22, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about November 9, 1944, by E. Frank Hopkins, from Philadelphia, Pa.

PRODUCT: 24 boxes, each containing 120 pounds, of frozen lobster meat, in 14-ounce cans, at Jersey City, N. J.

LABEL, IN PART: (Cans) "Fresh Lobster Meat * * * Product of Canada E. Paturel Shediack, N. B. [or "J. R. Allen, Pugwash, N. S."]."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 10, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8390. Adulteration of canned mackerel. U. S. v. 1,100 Cases and 99 Cases of Canned Mackerel. Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 15023, 15260. Sample Nos. 15075-F, 9402-H, 9523-H.)

LIBELS FILED: January 10 and February 13, 1945, Southern and Western Districts of New York; amended libel filed in Southern District of New York on January 18, 1945.

ALLEGED SHIPMENT: On or about November 28 and December 12, 1944, by Parrott & Co., from Wilmington and Los Angeles, Calif.

PRODUCT: 1,100 cases and 99 cases, each containing 48 15-ounce cans, of mackerel at Buffalo and New York, N. Y., respectively.

LABEL, IN PART: "Top Wave Brand California Mackerel * * * Packed for Sardamack Fisheries Wilmington, Calif."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: June 19, 1945. The Sardamack Fisheries Co., claimant, having admitted the allegations of the libels, and the cases having been consolidated for trial in the Southern District of New York, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

8391. Adulteration of canned oysters. U. S. v. Joe Jaha (Lighthouse Oysters Co.). Plea of not guilty. Tried to the court. Judgment of guilty. Fine, \$150. (F. D. C. No. 14276. Sample No. 60604-F.)

INFORMATION FILED: February 14, 1945, District of Oregon, against Joe Jaha, trading as the Lighthouse Oysters Co., Portland, Oreg.

ALLEGED SHIPMENT: On or about April 1, 1944, from the State of Oregon into the State of California.

LABEL, IN PART: "Lighthouse Brand The Beacon of Quality Oysters."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), water had been substituted, in part, for oysters, which the product was represented to be.

DISPOSITION: A plea of not guilty having been entered, the case was set for trial before the court, and was argued on March 24, 1945. The court, after consideration of the evidence and briefs of the parties, found the defendant guilty and, on May 22, 1945, imposed a fine of \$150.

8392. Adulteration of raw oysters. U. S. v. 67 Pints of Raw Oysters. Default decree ordering product delivered to local hospitals. (F. D. C. No. 14513. Sample Nos. 92126-F, 92127-F.)

LIBEL FILED: November 27, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about November 18, 1944, by the McNaney Oyster Co., Baltimore, Md.

PRODUCT: 67 pints of raw oysters at Steubenville, Ohio.

LABEL, IN PART: "McNaney's Superior Raw Oysters."

VIOLATION CHARGED: Adulteration, Section 402 (b) (4), the article contained added water which had been mixed and packed with it so as to increase its bulk or weight and reduce its quality.

DISPOSITION: January 4, 1945. No claimant having appeared, judgment was entered ordering the product delivered to local hospitals.

8393. Adulteration of oysters. U. S. v. 640 Pints and 160 Pints of Oysters (and 1 other seizure action against oysters). Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 14778, 14779. Sample Nos. 75674-F, 75675-F, 92147-F, 92148-F.)

LIBELS FILED: December 14, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 9, 1944, by John H. Leonard, Baltimore, Md.

PRODUCT: 2,880 pints of oysters at Pittsburgh, Pa.

VIOLATION CHARGED: Adulteration, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

DISPOSITION: December 15, 1944. John H. Leonard, claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be repacked under the supervision of the Food and Drug Administration.

8394. Adulteration of ocean perch. U. S. v. 182 Boxes of Ocean Perch. Default decree of condemnation and destruction. (F. D. C. No. 14984. Sample No. 96478-F.)

LIBEL FILED: January 16, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: July 7, 1944, by the Standard Fish Co., from Boston, Mass.

PRODUCT: 182 10-pound boxes of ocean perch at Chicago, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 17, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8395. Adulteration of frozen pike fillets. U. S. v. 18 Boxes of Frozen Pike Fillets. Default decree of destruction. (F. D. C. No. 14920. Sample No. 91114-F.)

LIBEL FILED: January 2, 1945, Southern District of Ohio.

ALLEGED SHIPMENT: On or about November 20, 1944, by the Morris Fisheries, Inc., Chicago, Ill.

PRODUCT: 18 boxes, each containing 25 pounds, of frozen pike fillets at Columbus, Ohio.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 28, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8396. Adulteration of rosefish fillets. U. S. v. 289 Boxes of Rosefish Fillets. Default decree of condemnation and destruction. (F. D. C. No. 14819. Sample No. 92307-F.)

LIBEL FILED: December 20, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about July 18, 1944, by J. Adams & Co., from Boston, Mass.

PRODUCT: 289 10-pound boxes of rosefish fillets at Geneva, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 29, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed, except for a portion which was ordered delivered to the Food and Drug Administration.

8397. Adulteration of canned sardines. U. S. v. 50 Cases of Sardines. Default decree of condemnation and destruction. (F. D. C. No. 14820. Sample Nos. 62313-F, 62314-F, 62318-F, 62319-F.)

LIBEL FILED: December 20, 1944, Northern District of Alabama.

ALLEGED SHIPMENT: On or about September 6, 1944, by the Martinez Food Canners, Martinez, Calif.

PRODUCT: 50 cases, each containing 48 cans, of sardines at Birmingham, Ala.

LABEL, IN PART: "California Natural Style Fancy Quality A&P Sardines," or "Fancy Quality A&P Fancy California Sardines in Tomato Sauce."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 30, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8398. Adulteration of frozen smelt, turbot, and sole. U. S. v. 53 Cartons and 248 Cartons of Frozen Fish. Default decrees of condemnation and destruction. (F. D. C. Nos. 15010, 15226. Sample Nos. 17803-H, 17806-H, 17809-H, 17810-H, 17813-H.)

LIBELS FILED: January 24 and February 15, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 10, 1943, by the Santa Cruz Processors, Inc., from Santa Cruz, Calif.

PRODUCT: 53 cartons, each containing 6 packages of about 7 pounds each, and 248 cartons, containing from 35 pounds to 42 pounds each, of frozen fish at Chicago, Ill.

LABEL, IN PART: "Smelt * * * Pacific Fresh Frosted Fish & Poultry," "Turbot," "Single Smelt," or "Sole."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of decomposed substances.

DISPOSITION: June 1, 1945. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

8399. Adulteration of frozen tullibees. U. S. v. Stoller Fisheries, Inc. Plea of guilty. Fine, \$500. (F. D. C. No. 12598. Sample No. 40120-F.)

INFORMATION FILED: February 26, 1945, District of Minnesota, against the Stoller Fisheries, Inc., Spirit Lake, Iowa.

ALLEGED SHIPMENT: On or about March 23, 1944, from the State of Minnesota into the State of Iowa.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: June 25, 1945. A plea of guilty having been entered on behalf of the defendant, a fine of \$500 was imposed.

8400. Adulteration of canned tuna flakes. U. S. v. 21 Cases of Tuna Flakes. Default decree of condemnation and destruction. (F. D. C. No. 14822. Sample Nos. 59951-F to 59954-F, incl.)

LIBEL FILED: On or about January 8, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about September 11, 1944, by the Franco Italian Packing Co., from Los Angeles, Calif.

PRODUCT: 21 cases, each containing 48 6-ounce cans, of tuna flakes at Chicago, Ill.

LABEL IN PART: "Franco Brand White Meat Tuna Flakes."

VIOLATION CHARGED: Adulteration, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: March 13, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8401. Adulteration of frozen whiting. U. S. v. 638 Boxes and 28 Boxes of Frozen Whiting. Default decree of condemnation and destruction. (F. D. C. No. 14970. Sample Nos. 96462-F, 96463-F, 96472-F, 96473-F.)

LIBEL FILED: On or about January 15, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 21, 1944, by the Slade Gorton Co., from Gloucester, Mass.

PRODUCT: 666 10-pound boxes of frozen whiting at Chicago, Ill.

LABEL, IN PART: "Fresh Butterfly Whiting Frozen Packed by North Shore Fillet Company * * * Gloucester, Mass."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 10, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8402. Adulteration of frozen whiting. U. S. v. 72 Boxes of Frozen Whiting. Default decree of condemnation and destruction. (F. D. C. No. 14985. Sample Nos. 96481-F, 17801-H.)

LIBEL FILED: On or about January 26, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 21, 1943, by the Standard Fish Co., from Boston, Mass.

PRODUCT: 72 15-pound boxes of frozen whiting at Chicago, Ill.

LABEL, IN PART: "Standard Brand Butterfly Whiting."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 13, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRUITS AND VEGETABLES*

CANNED FRUIT

8403. Misbranding of canned apricots. U. S. v. 1,247 Cases and 45 Cases of Canned Apricots. Decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 15160, 15171. Sample Nos. 59964-F, 73168-F.)

LIBELS FILED: On or about January 30 and February 5, 1945, District of Idaho and Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 25 and September 27, 1944, by the Hunt Brothers Packing Co., from Hayward, Calif.

PRODUCT: 1,247 cases and 45 cases, each containing 24 cans, of apricots at Chicago, Ill., and Boise, Idaho, respectively.

LABEL, IN PART: "Hunt's Supreme Quality Fancy Peeled Whole Apricots."

VIOLATION CHARGED: Misbranding, Section 403 (g) (2), the product failed to bear, as required by the regulations, the name of the optional packing medium, since the label of the Chicago lot bore the statement, "In Extra Heavy Syrup," but the apricots were packed in heavy sirup; and the label of the Boise lot bore the statement, "In Heavy Syrup," but the apricots were packed in light sirup.

DISPOSITION: March 5 and 29, 1945. The Hunt Brothers Packing Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

8404. Misbranding of canned apricots. U. S. v. 40 Cases of Canned Apricots. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14761. Sample No. 83888-F.)

LIBEL FILED: December 20, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about October 17, 1944, by the Frank Raiter Canning Co., from Salinas, Calif.

PRODUCT: 40 cases, each containing 24 1-pound, 13-ounce cans, of apricots at Seattle, Wash.

LABEL, IN PART: "Red Sail Whole Peeled Apricots in Light Syrup."

VIOLATION CHARGED: Misbranding, Section 403 (g) (2), the article failed to bear, as required by the regulations, the name of the optional packing medium present, since its label bore the statement, "In Light Syrup," whereas the apricots were packed in sirup designated in the regulations as "slightly sweetened water."

DISPOSITION: March 19, 1945. The Frank Raiter Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

8405. Misbranding of canned apricots. U. S. v. 98 Cases of Canned Apricots. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14331. Sample No. 73162-F.)

LIBEL FILED: November 1, 1944, Southern District of Iowa.

ALLEGED SHIPMENT: On or about September 22, 1944, by the Turlock Cooperative Growers, from Oakland, Calif.

PRODUCT: 98 cases, each containing 24 cans, of apricots at Davenport, Iowa.

*See also Nos. 8301-8305, 8491.

LABEL, IN PART: "Blue Winner Whole Unpeeled Apricots."

VIOLATIONS CHARGED: Misbranding, Section 403 (h) (1), the product purported to be and was represented as canned apricots, a food for which a standard of quality has been prescribed by the regulations, but its quality fell below the standard since the weight of the largest unit in the container was more than twice the weight of the smallest unit therein; and, Section 403 (h) (2), it also fell below the standard for fill of container prescribed by the regulations, since there was not present in the container the maximum quantity of the apricot ingredient which could be sealed in the container and processed by heat to prevent spoilage, without crushing the ingredient, and it failed to bear a label stating that it fell below such standard.

DISPOSITION: June 12, 1945. The Lagomarcino Grupe Co., Davenport, Iowa, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released for relabeling, under the supervision of the Food and Drug Administration.

8406. Misbranding of canned apricots. U. S. v. 68 Cases of Canned Apricots. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 14835. Sample No. 74775-F.)

LIBEL FILED: January 5, 1945, District of Oregon.

ALLEGED SHIPMENT: On or about August 21, 1944, by the Bercut-Richards Packing Co., from Sacramento, Calif.

PRODUCT: 68 cases, each containing 6 cans, of apricots at Portland, Oreg.

LABEL, IN PART: "Dundee Brand Sweetened Pie Apricots."

VIOLATIONS CHARGED: Misbranding, Section 403 (g) (2), the article failed to conform to the definition and standard of identity which has been prescribed by the regulations for canned apricots, since its label failed to bear the name of the optional apricot ingredient present, peeled halves; and, Section 403 (h) (1), it failed to conform to the standard of quality prescribed by the regulations for canned apricots since the apricots were in containers holding 20 or more apricot units, and more than 5 percent of the units in the container were crushed and broken.

DISPOSITION: February 7, 1945. Hudson-Duncan and Co., Portland, Oreg., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

8407. Adulteration of olives. U. S. v. 128 Cases of Olives. Default decree of condemnation and destruction. (F. D. C. No. 15089. Sample No. 303-H.)

LIBEL FILED: January 31, 1945, Southern District of Florida.

ALLEGED SHIPMENT: On or about December 30, 1944, by Quartermaster S. O., Atlanta A. S. F. Depot, from Atlanta, Ga.

PRODUCT: 1 case containing 4 1-gallon jars; 75 cases, each containing 12 10-ounce jars; and 52 cases, each containing 12 21-ounce jars, of olives at Jacksonville, Fla. Examination showed that the product was undergoing fermentation.

LABEL, IN PART: "Yacht Club Spanish Queen Olives," or "Monarch Spanish Queen Olives."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 9, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8408. Misbranding of canned, diced peaches and pears. U. S. v. 248 Cases of Diced Peaches and Pears. Consent decree ordering that the product be released under bond. (F. D. C. No. 14946. Sample No. 85945-F.)

LIBEL FILED: January 2, 1945, District of Colorado.

ALLEGED SHIPMENT: On or about November 9, 1944, by Flotill Products, Inc., from Modesto, Calif.

PRODUCT: 248 cases, each containing 24 cans, of peaches and pears at Denver, Colo. This product consisted of chopped (irregularly cut and disintegrated) peaches and pears.

LABEL, IN PART: "Flotill Diced Peaches and Pears in Heavy Syrup."

VIOLATION CHARGED: Misbranding, Section 403 (a), the label statement, "Diced," and the vignette depicting diced peaches and pears were false and misleading as applied to an article containing chopped peaches and pears.

DISPOSITION: August 9, 1945. Flotill Products, Inc., claimant, having consented to the entry of a decree, judgment was entered ordering that the product be released under bond for relabeling under the supervision of the Food and Drug Administration.

DRIED FRUIT

8409. Adulteration of dried apricots. U. S. v. 27 Bags of Dried Apricots. Default decree of condemnation and destruction. (F. D. C. No. 15878. Sample Nos. 10031-H, 10039-H.)

LIBEL FILED: April 6, 1945, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 24, 1945, by Kramer Bros., from Chicago, Ill.

PRODUCT: 27 bags containing a total of approximately 1,620 pounds of dried apricots, at Pittsburgh, Pa.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy and decomposed substances by reason of the presence of rodent pellets, dirty and insect-infested apricots, and moldy apricots.

DISPOSITION: April 27, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8410. Adulteration of dried apricots. U. S. v. 59 Cases of Dried Apricots. Default decree of condemnation and destruction. (F. D. C. No. 14990. Sample No. 74848-F.)

LIBEL FILED: February 1, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about December 19, 1944, by F. E. Hadley and Sons, from Merced, Calif.

PRODUCT: 59 20-pound cases of dried apricots at Seattle, Wash.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms, insect fragments, and insect-infested, moldy, and decomposed apricots.

DISPOSITION: April 28, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8411. Adulteration of dried whole peaches. U. S. v. 39 Cases of Dried Whole Peaches. Default decree of condemnation and destruction. (F. D. C. No. 14969. Sample No. 83555-F.)

LIBEL FILED: January 15, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about October 20, 1944, by the Albert Asher Co., from San Francisco, Calif.

PRODUCT: 39 25-pound cases of dried whole peaches at Seattle, Wash.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments.

DISPOSITION: April 28, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8412. Adulteration of dried whole peaches. U. S. v. 99 Boxes of Dried Peaches. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 14762. Sample No. 73006-F.)

LIBEL FILED: December 14, 1944, District of Nevada.

ALLEGED SHIPMENT: On or about August 8, 1944, by the Albert Asher Co., from San Francisco, Calif.

PRODUCT: 99 25-pound boxes of dried peaches at Reno, Nev.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect excreta, and rodent excreta.

DISPOSITION: January 19, 1945. Lindley and Co., Reno, Nev., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

8413. Adulteration of prunes. U. S. v. 3,000 Boxes and 5,600 Boxes of Prunes. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 15064, 15065. Sample Nos. 5701-H, 5702-H.)

LIBELS FILED: January 18, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about December 16, 18, and 19, 1944, by Louis Hoffman, from Naval Supply Depot, Bayonne, N. J.

PRODUCT: 8,600 boxes, each containing 25 pounds, of prunes at New York, N. Y. Examination showed that the article contained insect-infested prunes.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: February 6, 1945. The Karp Reconditioning Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for segregation, the unfit portion to be utilized in the manufacture of alcohol, or destroyed, under the supervision of the Food and Drug Administration.

8414. Adulteration of raisins. U. S. v. 162 Cartons of Raisins. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14626. Sample No. 88392-F.)

LIBEL FILED: December 8, 1944, District of New Hampshire.

ALLEGED SHIPMENT: On or about January 28, 1944, by the Enoch Packing Co., from Del Rey, Calif.

PRODUCT: 162 cartons, each containing 30 pounds, of raisins at Manchester, N. H.

LABEL, IN PART: (Cartons) "Air Port Brand Choice Recleaned Thompson Seedless Raisins."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: April 2, 1945. The Silver Brothers Co., Inc., Manchester, N. H., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be destroyed under the supervision of the Federal Security Agency. Destruction of the product was to be effected by the delivery of the raisins to a public institution, for use as hog feed.

8415. Adulteration of raisins. U. S. v. 1,069 Cartons of Raisins. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14629. Sample No. 88393-F.)

LIBEL FILED: December 8, 1944, District of New Hampshire.

ALLEGED SHIPMENT: On or about December 9 and 13, 1943, by the H. J. Heinz Co., from Cambridge, Mass.

PRODUCT: 1,069 cartons, each containing 25 pounds, of raisins at Manchester, N. H.

LABEL, IN PART: "Sun-Maid Bakery Type Thompson Seedless Raisins * * * Sun-Maid Raisin Growers of California Main Office: Fresno, California, U. S. A."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: April 2, 1945. The Silver Brothers Co., Inc., Manchester, N. H., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be destroyed under the supervision of the Federal Security Agency. Destruction of the raisins was to be effected by the delivery of the product to a public institution, for use as hog feed.

8416. Adulteration of raisins. U. S. v. 143 Boxes and 94 Boxes of Raisins. Product ordered destroyed. (F. D. C. No. 14966. Sample Nos. 97447-F, 97448-F.)

LIBEL FILED: On or about January 18, 1945, Western District of Missouri.

ALLEGED SHIPMENT: On or about June 26, 1944, by the California Raisin Co., from Fresno, Calif.

PRODUCT: 237 25-pound boxes of raisins at Kansas City, Mo.

LABEL, IN PART: "Sun King Brand Choice [or "Midget"] Thompson Seedless Raisins."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, insect fragments, and insect-infested raisins.

DISPOSITION: March 24, 1945. No claimant having appeared, the product was ordered destroyed. The raisins were mixed with feed to be fed to hogs.

8417. Adulteration of raisins. U. S. v. 100 Boxes of Raisins. Default decree of condemnation and destruction. (F. D. C. No. 15150. Sample No. 6541-H.)

LIBEL FILED: February 14, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about June 27, 1944, by Wood and Selick, Inc., from New York, N. Y.

PRODUCT: 100 30-pound boxes of raisins at Paterson, N. J.

LABEL, IN PART: "De Luxe Brand Midget Thompson Seedless Raisins Packed By Del Rey Packing Co. Del Rey California."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect excreta.

DISPOSITION: April 2, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRESH AND FROZEN FRUIT

8418. Adulteration of apples. U. S. v. 164 Bushels of Apples. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14590. Sample Nos. 80378-F, 80379-F.)

LIBEL FILED: On or about November 3, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 21 and 26, 1944, by the Lindberg-Olive Market, from Hardin, Ill.

PRODUCT: 164 bushels of apples at Creve Coeur, Mo. This product contained excessive lead spray residue.

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained an added poisonous or deleterious substance, lead, which might have rendered it injurious to health.

DISPOSITION: November 24, 1944. Harvey Ranes, trading as the Lindberg-Olive Market, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for removal of the spray residue, under the supervision of the Food and Drug Administration.

8419. Adulteration of apples. U. S. v. 60 Bushels of Apples. Default decree ordering the destruction of the product unless it was delivered to charitable institutions. (F. D. C. No. 14577. Sample No. 87558-F.)

LIBEL FILED: October 24, 1944, District of Minnesota.

ALLEGED SHIPMENT: On or about October 5, 1944, by Dewey Bowman, from Emmett, Idaho.

PRODUCT: 60 bushels of apples at Minneapolis, Minn.

LABEL, IN PART: "Golden Eagle Brand Idaho Apples * * * Shipped by Lewis Yoder Company, Nampa, Idaho."

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained added poisonous or deleterious substances, arsenic and lead, which might have rendered it injurious to health.

DISPOSITION: December 18, 1944. No claimant having appeared, judgment was entered ordering the product destroyed. On January 10, 1945, the decree was amended to permit the delivery of the product to charitable institutions, for use in accordance with the directions of the Food and Drug Administration. A portion of the product was delivered to a charitable institution on condition that it be peeled before use, and the remainder was destroyed.

8420. Adulteration of apples. U. S. v. 57 Bushels of Apples. Default decree of forfeiture and destruction. (F. D. C. No. 14579. Sample No. 96356-F.)

LIBEL FILED: October 20, 1944, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about October 13, 1944, by C. L. Heinlen, Benton Harbor, Mich.

PRODUCT: 57 bushels of apples at Janesville, Wis.

LABEL, IN PART: "Steel Red A. Jannert & Son R. 2 Watervliet, Mich."

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained an added poisonous or deleterious substance, lead, which might have rendered it injurious to health.

DISPOSITION: January 25, 1945. No claimant having appeared, judgment of forfeiture was entered ordering the product destroyed.

8421. Adulteration of frozen strawberries. U. S. v. 37 Barrels of Frozen Strawberries. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 12177. Sample No. 50771-F.)

LIBEL FILED: April 14, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about April 4, 1944, by the Moore Food Sales Co., from Philadelphia, Pa.

PRODUCT: 37 barrels of frozen strawberries at Swedesboro, N. J.

LABEL, IN PART: "All Star Brand Strawberries * * * Sugar added 3X1 Packed by M. W. Miller and Co. * * * Sturgeon Bay, Wisconsin."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 21, 1944. The Sturgeon Bay Distributing Co., Sturgeon Bay, Wis., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for the purpose of wine or brandy making under the supervision of the Food and Drug Administration.

JAMS, JELLIES, AND PRESERVES

8422. Adulteration of preserves and jellies. U. S. v. 100 Cases of Jellies (and 1 other seizure action against preserves and jellies). Default decrees of condemnation and destruction. (F. D. C. Nos. 14681, 14682. Sample Nos. 80386-F to 80389-F, incl., 80392-F, 80396-F to 80399-F, incl.)

LIBELS FILED: December 4, 1944, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about July 25 and September 14, 1944, by the Preserve Products Co., from St. Louis, Mo.

PRODUCT: 100 cases, each containing 24 1-pound jars, and 157 cases, each containing 12 2-pound jars, of assorted jellies; and 188 cases, each containing 24 1-pound jars, of assorted preserves at Jonesboro, Ark. Examination showed that the products contained large numbers of insects (mites).

LABEL, IN PART: "Blue Star Pure Peach Preserves," or "Haddon Hall Pure Apple [or "Apple-Plum," "Apple-Grape," "Apple-Raspberry," or "Apple-Strawberry"] Jelly."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of mites.

DISPOSITION: February 9, 1945. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

8423. Adulteration and misbranding of raspberry-flavored spread. U. S. v. 39 Cases of Raspberry Flavored Spread. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 12411. Sample No. 79420-F.)

LIBEL FILED: May 23, 1944, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about March 3 and 16, 1944, by the Allied Fruit & Extract Co., Inc., from New York, N. Y.

PRODUCT: 39 cases, each containing 6 5½-pound jars, of raspberry-flavored spread at Huntington, W. Va.

LABEL, IN PART: "Sterling Brand Raspberry Flavored Spread Contains Sugar, Fruits, Water, Pectin and Citric Acid. 1-10 of 1% Benzoate of Soda."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, fruit, had been in part omitted from the article; Section 402 (b) (3), inferiority had been concealed by the addition of raspberry seeds; and, Section 402 (b) (4), raspberry seeds had been added to the article, or mixed or packed with it, so as to make it appear better or of greater value than it was.

Misbranding, Section 403 (g) (1), the article purported to be and was represented as raspberry jam, and it failed to conform to the definition and standard for raspberry jam since it was made of a mixture composed of less than 45 parts by weight of the raspberry ingredient to each 55 parts by weight of one of the saccharine ingredients, and since it contained added raspberry seeds.

DISPOSITION: August 29, 1944. The Allied Fruit & Extract Co., Inc., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

8424. Adulteration and misbranding of raspberry and strawberry jams. U. S. v. 31 Cases of Strawberry Jams and 15 Cases of Raspberry Jam. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14400. Sample Nos. 88149-F, 88150-F.)

LIBEL FILED: November 13, 1944, District of Maine.

ALLEGED SHIPMENT: Between the approximate dates of September 22 and October 5, 1944, by the J. G. Generalis Co., from Boston, Mass.

PRODUCT: 28 cases, each containing 48 jars, and 3 cases, each containing 24 jars, of strawberry jam; and 14 cases, each containing 24 jars, and 1 case containing 48 jars, of raspberry jam at Portland, Maine.

LABEL, IN PART: "Victory V Seal Strawberry Jam [or "Raspberry Jam"]."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), products deficient in fruit, insufficiently concentrated, and containing added water and phosphoric acid or acid phosphate, and artificial color and flavor, had been substituted in whole or in part for strawberry jam and raspberry jam as defined by the regulations; and, Section 402 (b) (4), artificial color and flavor had been added to or mixed or packed with the products so as to make them appear better or of greater value than they were.

Misbranding, Section 403 (g) (1), the products failed to conform to the definitions and standards of identity prescribed by the regulations for strawberry jam and raspberry jam since the jams were made from mixtures composed of less than 45 parts by weight of the fruit ingredient to each 55 parts by weight of the saccharine ingredient; they were not concentrated to the point where their soluble solids content amounted to at least 68 percent; and they contained phosphoric acid or acid phosphate and artificial color and flavor.

DISPOSITION: On February 2, 1945, judgment of condemnation and forfeiture was entered. On March 3, 1945, the court ordered the products released under bond to the claimant, J. G. Generalis, trading as the J. G. Generalis Co., conditioned that the jams be relabeled under the supervision of the Food and Drug Administration.

MISCELLANEOUS FRUIT PRODUCTS

8425. Action to enjoin and restrain the interstate shipment of adulterated grape pulp and products made from adulterated grape pulp. U. S. v. George W. Haxton & Son, Inc., et al. Consent decree granting permanent injunction against shipment in interstate commerce of all unfit portions of the product, but permitting the shipment of any fit portions. (Inj. No. 48.)

COMPLAINT FILED: February 1, 1943, Western District of New York, against George W. Haxton & Son, Inc., Oakfield, N. Y., and G. Sherwin Haxton, president, E. A. Thornton, vice-president, W. R. Hall, secretary, and H. W. Ruhlman, treasurer, of George W. Haxton & Son, Inc.; the Morton Cold Storage Co., Inc., Morton, N. Y.; the Sodus Cold Storage Co., Sodus, N. Y.; the Williamson Storage and Ice Co., Inc., Williamson, N. Y.; the Middleport Cold Storage Co., Inc., Middleport, N. Y.; the Buffalo Cold Storage Co., Buffalo, N. Y.; the Ontario Storage Corp., Ontario, N. Y.; the W. M. Storage Corp., Wallington, N. Y.; and the J. Hungerford Smith Co., Rochester, N. Y.

NATURE OF CHARGE: That on September 24, 1942, and prior thereto, and continuing thereafter throughout the grape season of 1942, and ending prior to the date of filing the complaint, George W. Haxton & Son, Inc., had been engaged in manufacturing and shipping in interstate commerce grape pulp made from grapes that were in part moldy, decomposed, and infested with maggots; that practically all samples of the grape pulp were found to be contaminated with maggots, insect fragments, and insects; and that the grape pulp was adulterated in violation of Section 402 (a) (3) since it consisted in whole or in part of a filthy, putrid, and decomposed substance. The complaint further charged that quantities of the grape pulp were stored with the above-named storage companies for shipment in interstate commerce, and that the defendant J. Hungerford Smith Co., a manufacturer of grape products, had received a quantity of the grape pulp from one of the storage companies for use in the manufacture of sirups and other articles of food and the subsequent shipment thereof in interstate commerce.

PRAYER OF COMPLAINT: That an injunction issue restraining the defendants from shipping the adulterated grape pulp in interstate commerce and also restraining the J. Hungerford Smith Co. from shipping in interstate commerce any food product manufactured from such grape pulp.

DISPOSITION: February 1, 1943. The defendants were ordered to show cause why a preliminary injunction should not be issued, pending the trial and the

determination of the suit, and the court ordered that the defendants be enjoined from shipping any of the grape pulp in interstate commerce pending such determination. On June 24, 1943, the defendants having consented to the entry of a decree, judgment was entered permitting the return shipment to George W. Haxton & Son, Inc., of the various lots of the product held by the storage companies and the J. Hungerford Smith Co., and dismissing the action with respect to all defendants, with the exception of George W. Haxton & Son, Inc., and the officers of that corporation. The decree provided further that George W. Haxton & Son, Inc., and its officers, be permitted to ship in interstate commerce a portion of the product which was not adulterated, but the decree permanently enjoined them from shipping in interstate commerce the remainder of the product.

8426. Adulteration of grape pomace. U. S. v. 110 Sacks of Grape Pomace. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 15069. Sample No. 92968-F.)

LIBEL FILED: January 18, 1945, District of Maryland.

ALLEGED SHIPMENT: On or about October 15, 1942, by Widmer's Wine Cellars, Inc., from Naples, N. Y.

PRODUCT: 110 39-pound sacks of grape pomace at Baltimore, Md.

LABEL, IN PART: (Tags) "S. J. Van Lill Co Baltimore Md."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect fragments.

DISPOSITION: On June 7, 1945, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On June 8, 1945, an amendment to the decree was entered, providing for the delivery of the product to a public institution, for use as animal feed or fertilizer.

8427. Adulteration of guava paste. U. S. v. 12 Cartons of Guava Paste. Default decree of condemnation and destruction. (F. D. C. No. 14427. Sample No. 82865-F.)

LIBEL FILED: November 14, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about September 20, 1943, by Charles R. Allen, Charleston, S. C.

PRODUCT: 12 cartons, each containing 4 10-pound slabs, of Cuban guava paste. Examination showed that the product contained rodent hair fragments and insect fragments.

LABEL, IN PART: "Slabs Cuban Guava Paste Packed By: Hijos De Pio Ferros, Enc. Pinar Del Rio Cuba."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: December 14, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8428. Adulteration of glace fruit and assorted fruits. U. S. v. 990 Cartons of Glace Fruit and 634 Cartons of Assorted Fruits. Default decree of condemnation and destruction. (F. D. C. No. 14187. Sample Nos. 73293-F, 73294-F, 73296-F, 73297-F.)

LIBEL FILED: November 3, 1944; amended December 9, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about August 21, 29, and 31, 1944, by Golden Brand Nut Products, Inc., from New York, N. Y.

PRODUCT: 636 2-pound cartons and 354 1-pound cartons of glace fruit, and 400 3-pound cartons and 234 2-pound cartons of assorted fruits at Oakland, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of beetles and insect excreta.

DISPOSITION: February 13, 1945. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

8429. Adulteration of apple pomace. U. S. v. 835 Sacks of Apple Pomace. Default decree of condemnation. Product ordered delivered to a local hospital. (F. D. C. No. 15070. Sample Nos. 92948-F, 92965-F to 92967-F, incl.)

LIBEL FILED: January 18, 1945, District of Maryland.

ALLEGED SHIPMENT: On or about October 13 and 14, 1943, by Barlow Bros., J. R. Kelly, and the Rosenberg Bros. Co., from Sebastopol, Calif.

PRODUCT: 60 100-pound sacks, 300 86-pound sacks, and 475 65-pound sacks of apple pomace at Baltimore, Md.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect fragments.

DISPOSITION: June 7, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. By amended decree of June 8, 1945, the product was ordered delivered to a local hospital, for use as animal feed or fertilizer.

VEGETABLES

8430. Misbranding of canned asparagus cuts and canned asparagus spears. U. S. v. 198 Cases and 99 Cases of Asparagus Cuts and 56 Cases of Asparagus Spears. Portions of products ordered released under bond; remainder ordered forfeited and delivered to charitable institutions. (F. D. C. Nos. 13763, 13939, 15014. Sample Nos. 73431-F, 73450-F, 74549-F, 74550-F, 27201-H, 27202-H.)

LIBELS FILED: Between October 2, 1944, and January 24, 1945, Eastern District of Washington, Southern District of Indiana, and District of South Dakota.

ALLEGED SHIPMENT: Between the approximate dates of September 18, 1943, and September 15, 1944, by the Hunt Brothers Packing Co., Hayward, Calif.

PRODUCT: 198 cases at Indianapolis, Ind., and 99 cases at Sioux Falls, S. Dak., each case containing 24 1-pound, 3-ounce cans of asparagus cuts; and 56 cases, each containing 24 1-pound, 3-ounce cans, of asparagus spears at Spokane, Wash. Examination showed that the asparagus cuts were not fancy because they were, in large part, tough, with pronounced fibrous development; and that the spears were not fancy quality because they contained excessive fibrous material.

LABEL, IN PART: "Val Vita Brand Fancy California Asparagus Cuts Tips Removed," or "Hunts Supreme Quality Fancy Small [or "Blended"] California Green Tipped and White Asparagus Spears."

VIOLATION CHARGED: Misbranding, Section 403 (a), the label statements, "Fancy California Asparagus Cuts Tips Removed," "Fancy Small California Green Tipped and White Asparagus Spears," and "Blended California Green Tipped and White Asparagus Spears," were false and misleading as applied to the articles.

DISPOSITION: The Hunt Brothers Packing Co. appeared as claimant for the Spokane and Sioux Falls lots. No claim was presented for the Indianapolis lot. On November 6 and 28, 1944, and March 22, 1945, judgments were entered in the respective cases as follows: The Spokane lot was ordered released under bond for relabeling; the Sioux Falls lot was condemned, and likewise ordered released under bond; and the Indianapolis lot was ordered forfeited and destroyed. On November 30, 1944, an amended decree was entered ordering the Indianapolis lot delivered to charitable institutions.

8431. Adulteration of cranberry beans. U. S. v. 25 Bags of Cranberry Beans. Default decree of condemnation and destruction. (F. D. C. No. 15092. Sample No. 501-H.)

LIBEL FILED: January 25, 1945, Northern District of Georgia.

ALLEGED SHIPMENT: On or about October 21, 1943, from Grand Rapids, Mich.

PRODUCT: 25 100-pound bags of cranberry beans at Atlanta, Ga., in the possession of the Atlantic Company Coldstorage. This product had been stored under insanitary conditions after shipment. The bags were rodent-gnawed, and rodent pellets and urine stains were observed on them. Examination showed that the product contained rodent urine.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: April 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8432. Misbranding of canned green beans. U. S. v. 1,988 Cases of Green Beans. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14961. Sample No. 83374-F.)

LIBEL FILED: January 9, 1945, Eastern District of Washington.

ALLEGED SHIPMENT: On or about August 12, 1944, by the California Packing Corporation, Salem, Oreg.

PRODUCT: 1,988 cases, each containing 24 cans, of green beans at Toppenish, Wash.

This article was a by-product which consisted mainly of end cuts and tips of string beans.

LABEL, IN PART: "Tip Top Salad Cut Green Beans 1 lb. 3 oz. [vignette of a dish containing middle cuts of green beans]."

VIOLATION CHARGED: Misbranding, Section 403 (a), a vignette of a dish containing middle cuts of green beans, and the term "Salad Cut Green Beans," were misleading as applied to a by-product which consisted mainly of end cuts and tips of string beans.

DISPOSITION: February 5, 1945. The California Packing Corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of an officer designated by the Federal Security Administrator.

8433. Misbranding of canned green beans. U. S. v. 237 Cases of Canned Green Beans. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14992. Sample No. 70087-F.)

LABEL FILED: January 13, 1945, District of Utah.

ALLEGED SHIPMENT: On or about October 23, 1944, by the Silverton Canning Co., from Silverton, Oreg.

PRODUCT: 237 cases, each containing 24 1-pound, 3 ounce cans, of green beans at Salt Lake City, Utah.

LABEL, IN PART: "Silco Brand Cut Stringless Green Beans [vignette of a dish containing middle cuts of green beans]."

VIOLATION CHARGED: Misbranding, Section 403 (a), the article was a by-product which consisted mainly of end cuts and tips of string beans.

DISPOSITION: April 17, 1945. The Utah Wholesale Grocery Co., Salt Lake City, Utah, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

8434. Adulteration of navy beans. U. S. v. 800 Bags of Navy Beans. Consent decree of condemnation. Product released under bond. (F. D. C. No. 14548. Sample No. 92362-F.)

LABEL FILED: November 28, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about October 21, 1944, by Edgars Sugar House, from Crosswell, Mich.

PRODUCT: 800 100-pound bags of navy beans at Batavia, N. Y.

LABEL, IN PART: "Michigan Navy Beans."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy beans.

DISPOSITION: June 25, 1945. Cooperative G. L. F. Farm Products, Inc., Batavia, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

8435. Adulteration of pinto beans. U. S. v. 75 Bags of Pinto Beans. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13480. Sample No. 58993-F.)

LABEL FILED: On or about September 9, 1944, Western District of Virginia.

ALLEGED SHIPMENT: On or about October 26, 1943, from Limon, Colo.

PRODUCT: 75 100-pound bags of pinto beans at Danville, Va., in the possession of James I. Pritchett and Son. The article was stored under insanitary conditions after shipment. The bags had been gnawed by rodents, and rodent excreta was observed on them. Examination showed that the product contained rodent excreta.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had

been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: December 6, 1944. James I. Pritchett and Son, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for the segregation and the denaturing of the unfit portion, under the supervision of the Food and Drug Administration.

8436. Misbranding of red beans. U. S. v. 201 Cases of Red Beans. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 14996. Sample No. 85949-F.)

LIBEL FILED: February 21, 1945, District of Colorado.

ALLEGED SHIPMENT: On or about October 3, 1944, by the Otoe Food Products Co., from Nebraska City, Nebr.

PRODUCT: 201 cases, each containing 24 1-pound, 4-ounce cans, of red beans at Denver, Colo.

LABEL, IN PART: "Otoe Brand Honey Flavored Red Beans Artificial Flavor."

VIOLATION CHARGED: Misbranding, Section 403 (a), the label statements, "Honey Flavored," and "Honey flavor adds a new taste appeal," were false and misleading as applied to an article which had no flavor of honey.

DISPOSITION: March 6, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

8437. Adulteration of dried mushrooms. U. S. v. 2 Cans of Dried Mushrooms. Default decree of condemnation and destruction. (F. D. C. No. 14931. Sample No. 3889-F.)

LIBEL FILED: December 29, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about June 22, 1944, by H. Schoenfeld and Sons, from New York, N. Y.

PRODUCT: 2 cans, containing a total of approximately 80 pounds, of dried mushrooms at Seattle, Wash.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, insect fragments, rodent hairs, and rodent excreta.

DISPOSITION: April 28, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8438. Adulteration of dried mushrooms. U. S. v. 15 Cartons of Dried Mushrooms. Default decree of condemnation and destruction. (F. D. C. No. 14544. Sample No. 84515-F.)

LIBEL FILED: November 29, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about November 3, 1944, by the Russian-Polish Importing Co., from Chicago, Ill.

PRODUCT: 15 cartons, each containing 10 pounds, of dried mushrooms at San Francisco, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae and maggots.

DISPOSITION: March 3, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 8439 to 8441 report actions involving canned peas that purported to be a food for which a standard of quality has been prescribed by law, but the quality fell below the standard because of higher alcohol-insoluble solids than the maximum permitted by the standard, and the labels failed to bear, in the manner and form that the regulations specify, a statement that the product was below the standard.

8439. Misbranding of canned peas. U. S. v. 169 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14751. Sample No. 87773-F.)

LIBEL FILED: December 9, 1944, District of North Dakota.

ALLEGED SHIPMENT: On or about September 28, 1944, by the St. Cloud Products Association, from St. Cloud, Minn.

PRODUCT: 169 cases, each containing 24 1-pound, 4-ounce cans, of peas at Grand Forks, N. Dak.

LABEL, IN PART: "Sellmore Brand Early June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the product was substandard.

DISPOSITION: February 1, 1945. The St. Cloud Products Association, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of an officer designated by the Federal Security Agency Administrator. The product was satisfactorily relabeled.

8440. Misbranding of canned peas. U. S. v. 2,745 Cases of Peas. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13878. Sample No. 67978-F.)

LIBEL FILED: October 3, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about August 1 and 14, 1944, by the Walworth Canning Co., Walworth, Wis.

PRODUCT: 2,745 cases, each containing 24 cans, of peas at Xenia, Ohio. This product was shipped unlabeled, without an agreement as to the labeling.

LABEL, IN PART: (Portion) "Sun Bird Wisconsin Sweet Peas," or "Merritt Brand * * * Early June Peas."

VIOLATIONS CHARGED: Misbranding, Section 403 (h) (1), the product was substandard; and, Section 403 (e) (1) and (2), it was food in package form and it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of contents.

DISPOSITION: November 24, 1944. The Eavey Co., Xenia, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration. The product was satisfactorily relabeled.

8441. Misbranding of canned peas. U. S. v. 306 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 15001. Sample No. 18302-H.)

LIBEL FILED: January 18, 1945, Northern District of Iowa.

ALLEGED SHIPMENT: On or about July 13, 1944, by the Fall River Canning Co., Fall River, Wis.

PRODUCT: 306 cases, each containing 24 1-pound, 4-ounce cans, of peas at Sioux City, Iowa.

LABEL, IN PART: "Upper Deck June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the product was below standard.

DISPOSITION: February 13, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to several charitable institutions.

8442. Adulteration of split peas. U. S. v. 58 Bags of Split Peas. Default decree of condemnation and destruction. (F. D. C. No. 15159. Sample No. 9483-H.)

LIBEL FILED: January 24, 1945, Western District of New York.

ALLEGED SHIPMENT: On or about November 5, 1943, by the Mark Means Co., from Lewiston, Idaho.

PRODUCT: 58 100-pound bags of split peas at Buffalo, N. Y.

LABEL, IN PART: "Lewis Clark Brand Lewiston Idaho Green Split Peas."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, insect fragments, and rodent excreta pellets.

DISPOSITION: March 5, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8443. Adulteration of canned, mashed sweet potatoes. U. S. v. 272 Cases of Canned Sweet Potatoes. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14719. Sample No. 89887-F.)

LIBEL FILED: December 9, 1944, Northern District of Mississippi.

ALLEGED SHIPMENT: On or about October 9, 1944, by the George F. Porbeck Co., from Little Rock, Ark.

PRODUCT: 272 cases, each containing 24 1-pound, 13-ounce cans, of sweet potatoes at Greenwood, Miss.

This product was underprocessed, and it was undergoing decomposition.

LABEL, IN PART: "Lusian Brand Selected Golden Mashed Sweet Potatoes."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: June 21, 1945. G. V. Ketteringham, trading as the Ketteringham Canning Co., Ville Platte, La., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law by segregating and destroying the unfit portion and reprocessing the good portion under the supervision of the Food and Drug Administration.

8444. Adulteration of canned, mashed sweet potatoes. U. S. v. 635 Cases of Mashed Sweet Potatoes. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14883. Sample No. 63653-F.)

LIBEL FILED: January 6, 1945, Northern District of Georgia.

ALLEGED SHIPMENT: On or about October 15, 24, and 26, 1944, by the Alabama Products Canning Co., Inc., from Roanoke, Ala.

PRODUCT: 635 cases of mashed sweet potatoes at Atlanta, Ga. Examination showed that the article was underprocessed and that it was undergoing active bacterial decomposition.

LABEL, IN PART: "Morris Brand Mashed Sweet Potatoes."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: June 27, 1945. The Alabama Products Canning Co., Inc., having filed an answer admitting that a portion of the product was adulterated, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Federal Security Agency.

8445. Adulteration and misbranding of sauerkraut. U. S. v. 18 Cases of Sauerkraut. Default decree of condemnation and destruction. (F. D. C. No. 14423. Sample No. 82552-F.)

LIBEL FILED: On or about November 28, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about October 20, 1944, by the Youner Pickle Co., from Brooklyn, N. Y.

PRODUCT: 18 cases, each containing 12 1-quart jars, of sauerkraut at Newark, N. J.

LABEL, IN PART: "Joy Brand * * * Sauerkraut."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), sauerkraut containing an excessive amount of brine and vinegar had been substituted in whole or in part for sauerkraut containing a normal amount of packing medium.

Misbranding, Section 403 (d), the containers were so filled as to be misleading, since the jars containing the article were large enough to hold about 40 percent more sauerkraut.

DISPOSITION: March 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8446. Adulteration and misbranding of sauerkraut. U. S. v. 50 Cases of Sauerkraut. Default decree of condemnation and destruction. (F. D. C. No. 14422. Sample No. 82550-F.)

LIBEL FILED: November 20, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about October 24, 1944, by Leibowitz Pickle Products, from Brooklyn, N. Y.

PRODUCT: 50 cases, each containing 12 1-quart jars, of sauerkraut at Newark, N. J.

LABEL, IN PART: "Liebo Brand Sauerkraut."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), brine and vinegar had been substituted in part for sauerkraut, which the article was represented to be.

Misbranding, Section 403 (d), the container was so filled as to be misleading, since the jars containing the article were large enough to hold at least 40 percent more sauerkraut.

DISPOSITION: March 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8447. Adulteration and misbranding of sauerkraut. U. S. v. 61 Cases of Sauerkraut. Default decree of condemnation and destruction. (F. D. C. No. 14855. Sample No. 83051-F.)

LIBEL FILED: On or about December 22, 1944, District of Connecticut.

ALLEGED SHIPMENT: On or about February 28, 1944, by Golden's Pickle Works, Inc., from Brooklyn, N. Y.

PRODUCT: 61 cases, each containing 12 1-quart jars, of sauerkraut at Hartford, Conn.

LABEL, IN PART: (Jars) "Golden's Sauerkraut."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance; and, Section 402 (b) (2), brine had been substituted in part for sauerkraut, which the article was represented to be.

Misbranding, Section 403 (d), the container of the article was so filled as to be misleading, since the jars containing the article were large enough to hold at least 25 percent more sauerkraut.

DISPOSITION: February 23, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8448. Adulteration and misbranding of sauerkraut. U. S. v. 160 Cases of Sauerkraut. Default decree of condemnation. Product ordered destroyed, or distributed to charitable institutions. (F. D. C. No. 14563. Sample No. 83029-F.)

LIBEL FILED: On or about November 22, 1944, District of Connecticut.

ALLEGED SHIPMENT: On or about October 26, 1944, by Stanley's Products, from Brooklyn, N. Y.

PRODUCT: 160 cases, each containing 12 1-quart jars, of sauerkraut at Bridgeport, Conn.

LABEL, IN PART: "Old Fashioned Sauerkraut * * * Packed by Becker & Bigman Brooklyn, N. Y."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), cabbage, salt, vinegar, and water had been substituted for old-fashioned sauerkraut containing cabbage and salt, which the article was represented to be.

DISPOSITION: April 18, 1945. No claimant having appeared, judgment of condemnation was entered and the article was ordered distributed to charitable institutions, provided that it was found fit for human consumption. If not found fit, it was to be destroyed.

8449. Adulteration and misbranding of sauerkraut. U. S. v. 40 Cases of Sauerkraut. Default decree of condemnation and destruction. (F. D. C. No. 14561. Sample No. 82553-F.)

LIBEL FILED: November 22, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about October 13, 1944, by the American Roland Food Co., from New York, N. Y.

PRODUCT: 40 cases, each containing 12 1-quart jars, of sauerkraut at Newark, N. J.

LABEL, IN PART: "Golden's Fancy Sauerkraut * * * Packed by Golden's Pickle Works, Inc., Brooklyn, N. Y."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), cabbage, salt, vinegar, and water had been substituted for sauerkraut containing cabbage, salt, and vinegar, which the article was represented to be.

Misbranding, Section 403 (d), the container was so filled as to be misleading, since the jars containing the article were large enough to hold at least 30 percent more sauerkraut.

DISPOSITION: March 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8450. Adulteration and misbranding of sauerkraut. U. S. v. 100 Cases of Sauerkraut. Default decree of condemnation and destruction. (F. D. C. No. 14628. Sample No. 83186-F.)

LIBEL FILED: December 5, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about November 14, 1944, by H. M. Fields, Inc., from Brooklyn, N. Y.

PRODUCT: 100 cases, each containing 12 1-quart jars, of sauerkraut at Newark, N. J.

LABEL, IN PART: "Field's Best * * * Sauerkraut."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), brine had been substituted in part for sauerkraut, which the article was represented to be.

Misbranding, Section 403 (d), the containers were so filled as to be misleading since, because of the tendency of sauerkraut to disperse in the liquid packing medium, the jars appeared to be filled, whereas they were large enough to hold at least 20 percent more sauerkraut.

DISPOSITION: March 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8451. Adulteration and misbranding of sauerkraut. U. S. v. 66 Cases of Sauerkraut. Default decree of condemnation and destruction. (F. D. C. No. 14627. Sample No. 83190-F.)

LIBEL FILED: December 6, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about November 3, 1944, by Becker & Bigman, from Brooklyn, N. Y.

PRODUCT: 66 cases, each containing 12 1-quart jars, of sauerkraut at Newark, N. J.

LABEL, IN PART: "Old Fashioned Sauerkraut."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), brine had been substituted in part for sauerkraut, which the article was represented to be.

Misbranding, Section 403 (d), the containers were so filled as to be misleading since, because of the tendency of sauerkraut to disperse in the liquid packing medium, the jars appeared to be filled, whereas they were large enough to hold at least 25 percent more sauerkraut.

DISPOSITION: March 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8452. Adulteration of frozen squash. U. S. v. 865 Cases of Frozen Squash. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15000. Sample No. 81164-F.)

LIBEL FILED: January 30, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about January 4, 1944, by the Sacramento Frosted Foods Co., from Sacramento, Calif.

PRODUCT: 865 cases, each containing 2 30-pound cans, of frozen squash at Seattle, Wash.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 24, 1945. The Finer Frosti-Foods Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregating and sorting under the supervision of the Food and Drug Administration. The unfit portion was to be destroyed.

TOMATOES AND TOMATO PRODUCTS

8453. Adulteration of canned tomatoes. U. S. v. 1,331 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14482. Sample No. 79117-F.)

LIBEL FILED: November 20, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 2, 1944, by Albert W. Sisk and Son, from Nassawadox, Va.

PRODUCT: 1,331 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Chicago, Ill.

LABEL, IN PART: "Douglas Brand Tomatoes * * * Distributed By Northampton Canning Co. Nassawadox, Virginia."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of maggots.

DISPOSITION: May 22, 1945. The Northampton Canning Co. and Otto H. Grosse, claimants, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for use as animal feed.

8454. Misbranding of canned tomatoes. U. S. v. 603 Cases of Canned Tomatoes (and 2 other seizure actions against canned tomatoes). Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 14418, 14419, 14434. Sample Nos. 89847-F, 89849-F, 89856-F, 90123-F, 90126-F.)

LIBELS FILED: Between November 17 and 24, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: Between the approximate dates of September 6 and October 6, 1944, by the Riverside Canning Co., from Hickman, Ky.

PRODUCT: Tomatoes (24 cans to the case) : 1,200 cases at Union City, Tenn.; 603 cases at Martin, Tenn.; and 350 cases at Trenton, Tenn. Examination showed that the cans contained less than the declared weight; that they contained excessive liquid and small particles in proportion to the large pieces of tomatoes; and that they were not filled to the capacity required by the regulations.

LABEL, IN PART: "Contents 1 lb. 3 ozs. Riverside Brand Hand packed Tomatoes."

VIOLATIONS CHARGED: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents; Section 403 (h) (1), it was substandard in quality because of low drained weight; and, Section 403 (h) (2), it fell below the standard of fill of container, since the cans were filled to less than 90 percent of the total capacity as determined by the method specified in the regulations. The article was not labeled to show that it fell below the standard.

DISPOSITION: December 14, 1944. The Riverside Canning Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for relabeling, under the supervision of the Federal Security Agency.

8455. Misbranding of canned tomatoes. U. S. v. 200 Cases of Canned Tomatoes. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 14522. Sample No. 89866-F.)

LIBEL, FILED: On or about December 7, 1944, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about September 23, 1944, by Donelson and Poston, from Memphis, Tenn.

PRODUCT: 200 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at West Helena, Ark.

LABEL, IN PART: "Ridgely Brand Hand Packed Tomatoes."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned tomatoes because of excess peel and blemishes, and it was not labeled to show that it was substandard, as is required by the regulations.

DISPOSITION: February 17, 1945. Donelson and Poston, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

8456. Adulteration of tomato catsup. U. S. v. 80 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 14458. Sample No. 68767-F.)

LIBEL FILED: November 9, 1944, Western District of Kentucky.

ALLEGED SHIPMENT: On or about September 20, 1944, by the Morgan Packing Co., Austin, Ind.

PRODUCT: 80 cases, each containing 24 bottles, of tomato catsup at Owensboro, Ky.

LABEL, IN PART: "Columbus Brand Tomato Catsup * * * Packed by Columbus Packing Co., Columbus, Ind."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 10, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8457. Adulteration of tomato juice. U. S. v. 178 Cases of Tomato Juice. Default decree of forfeiture and destruction. (F. D. C. No. 14435. Sample No. 63386-F.)

LIBEL FILED: November 17, 1944, Southern District of Florida.

ALLEGED SHIPMENT: On or about September 19, 1944, by the H. J. McGrath Co., from Baltimore, Md.

PRODUCT: 178 cases, each containing 24 cans, of tomato juice at Miami, Fla.

LABEL, IN PART: "McGrath's Tomato Juice."

VIOLATION CHARGED: Adulteration, Section 402 (a) (2), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 11, 1945. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

8458. Adulteration of canned tomato paste. U. S. v. 279 Cases of Canned Tomato Paste. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14971. Sample No. 97205-F.)

LIBEL FILED: January 8, 1945, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about October 14, 1944, by the Uddo and Taormina Co, from Buena Park, Calif.

PRODUCT: 279 cases, each containing 6 7-pound cans, of tomato paste at New Orleans, La.

LABEL, IN PART: "Progresso Brand Fancy California Tomato Paste."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: June 29, 1945. The Uddo & Taormina Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

8459. Adulteration of canned tomato pulp. U. S. v. 794 Cases of Tomato Pulp. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14821. Sample No. 54681-F.)

LIBEL FILED: On or about January 3, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 12, 1944, by the Farm Bureau Fruit Products Co., from Bay City, Mich.

PRODUCT: 794 cases, each containing 6 6-pound, 6-ounce cans, of tomato pulp at Chicago, Ill.

LABEL, IN PART: "Farm Bureau Brand Tomato Pulp."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 21, 1945. The Farm Bureau Products Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be used as fox feed, under the supervision of the Food and Drug Administration.

8460. Adulteration and misbranding of tomato puree. U. S. v. San Martin Canning Co. Plea of nolo contendere. Fine, \$400. (F. D. C. No. 14294. Sample Nos. 65613-F, 65618-F, 66170-F.)

INFORMATION FILED: February 28, 1945, Northern District of California, against the San Martin Canning Co., a corporation, San Martin, Calif.

ALLEGED SHIPMENT: On or about December 23, 1943, and January 5, 1944, from the State of California into the States of New York and Connecticut.

LABEL, IN PART: (Cans) "Net Contents 6 Lbs. 8 Oz. Calirose Brand Tomato Puree Packed For A. M. Beebe Company, Inc. San Francisco."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (e) (2), the label failed to bear an accurate statement of the quantity of the contents, since the cans contained less than the stated amount.

DISPOSITION: April 12, 1945. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100 on each of the four counts, a total fine of \$400.

8461. Adulteration of tomato puree. U. S. v. 147 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 14854. Sample No. 84521-F.)

LIBEL FILED: On or about December 23, 1944, District of Connecticut.

ALLEGED SHIPMENT: On or about November 20, 1944, by Ensher, Alexander and Barsoom, Inc., from Oakland, Calif.

PRODUCT: 147 cases, each containing 6 cans, of tomato puree at New Haven, Conn.

LABEL, IN PART: (Cans) "Net Weight 6 Lbs. 9 Oz. Cal-fine California Fancy Tomato Puree."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 9, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8462. Adulteration of tomato puree. U. S. v. 247 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 15013. Sample No. 29303-H.)

LIBEL FILED: January 23, 1945, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about January 5, 1945, by Parrott and Co., from Oakland, Calif.

PRODUCT: 247 cases, each containing 6 cans, of tomato puree at New Orleans, La.

LABEL, IN PART: "Valley Belt Tomato Puree."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 19, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8463. Adulteration of tomato puree. U. S. v. 2,191 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 14701. Sample No. 33859-F.)

LIBEL FILED: December 4, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about September 21, 1944, by Clement Pappas and Co., from Cedarville, N. J.

PRODUCT: 2,191 cases, each containing 6 No. 10 cans, of tomato puree at Lockport, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae and larva eggs.

DISPOSITION: April 4, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MEAT AND POULTRY PRODUCTS

8464. Adulteration of raw chicken fat. U. S. v. First National Stores, Inc. Plea of nolo contendere. Fine, \$25. (F. D. C. No. 9631. Sample Nos. 19602-F, 19604-F to 19606-F, incl., 19608-F, 19609-F.)

INFORMATION FILED: On June 25, 1943, in the District of Massachusetts, against the First National Stores, Inc., Somerville, Mass.

ALLEGED SHIPMENT: Between the approximate dates of November 18 and December 1, 1942, the defendant caused to be introduced and delivered for introduction into interstate commerce, from the States of Connecticut, Maine, New Hampshire, and New York into the State of Massachusetts, a quantity of raw chicken fat.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, and decomposed substance by reason of the presence of fecal material, sections of intestines and skin, and decomposed and putrid animal tissues.

DISPOSITION: November 8, 1944. A plea of nolo contendere having been entered on behalf of the defendant, a fine of \$25 was imposed.

8465. Adulteration of poultry. U. S. v. 95 Cases of Poultry. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14657. Sample No. 94342-F.)

LIBEL FILED: December 18, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about November 1, 1944, by the Thorndike and Gerrish Co., Boston, Mass.

PRODUCT: 95 cases of poultry at New York, N. Y.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: January 10, 1945. Thorndike and Gerrish Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the poultry was ordered released under bond for the segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

8466. Adulteration of frozen boneless beef. U. S. v. 699 Cartons of Frozen Boneless Beef. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14595. Sample No. 77335-F.)

LIBEL FILED: November 27, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about July 29, 1944, by the Harrisburg Food Terminal, from Steelton, Pa.

PRODUCT: 699 cartons, each containing 54 pounds, of frozen boneless beef at Jersey City, N. J.

LABEL, IN PART: (Cartons) "Frozen Ground Meat * * * Oscar Mayer & Co., Madison, Wis. Packed 6/44."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 6, 1945. The Pennsylvania Railroad Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for the segregation and conversion of the unfit portion into tankage, under the supervision of the Food and Drug Administration.

8467. Adulteration of frozen boneless beef. U. S. v. 51 Cartons of Frozen Boneless Beef. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14596. Sample No. 77334-F.)

LIBEL FILED: November 27, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about June 1, 1944, by Armour and Co., for C. E. Garner, from Sioux City, Iowa.

PRODUCT: 51 cartons, each containing 51 pounds, of frozen boneless beef at Jersey City, N. J.

LABEL, IN PART: (Cartons) "Good Beef Fresh Frozen Boneless * * * Packed by Armour and Company Gen'l Office Chicago, Ill."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 6, 1945. The Pennsylvania Railroad Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for the segregation and conversion into tankage of the unfit portion, under the supervision of the Food and Drug Administration.

8468. Adulteration of frozen boneless beef. U. S. v. 524 Cartons, 98 Cartons, and 43 Cartons of Frozen Boneless Beef. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14597. Sample Nos. 77336-F, 77337-F, 77339-F.)

LIBEL FILED: November 27, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about June 24, 1944, by the Quaker City Cold storage, from Philadelphia, Pa.

PRODUCT: 524 58-pound cartons, 98 54-pound cartons, and 43 59-pound cartons of frozen boneless beef at Jersey City, N. J.

LABEL, IN PART: (Cartons) "Good Beef Fresh Frozen Boneless * * * Greisler & Sons," or "Greisler Bros. Inc. Grade B Commercial Beef Fresh Frozen Boneless," or "S. Greisler & Sons Grade A Good Beef Fresh Frozen Boneless."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 6, 1945. The Pennsylvania Railroad Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for the segregation and conversion into tankage of the unfit portion, under the supervision of the Food and Drug Administration.

8469. Adulteration of liver powder. U. S. v. 2 Cartons of Liver Powder. Default decree of condemnation and destruction. (F. D. C. No. 15082. Sample No. 6444-H.)

LIBEL FILED: January 25, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about October 25, 1944, by the Freshman Vitamin Co., from Brooklyn, N. Y.

PRODUCT: 2 50-pound cartons of dried liver powder at Newark, N. J. Examination of this merchandise showed that it contained live beetles.

LABEL, IN PART: "Freshman's Dried Liver Powder * * * From Highland Milling * * * Brooklyn, N. Y."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of live beetles.

DISPOSITION: April 2, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

NUTS AND NUT PRODUCTS

8470. Adulteration of shelled peanuts. U. S. v. 200 Bags of Shelled Peanuts. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 14987. Sample No. 29021-H.)

LIBEL FILED: January 17, 1945, Northern District of California.

ALLEGED SHIPMENT: On or about December 21, 1943, by the Suffolk Peanut Co., from Suffolk, Va.

PRODUCT: 200 115-pound bags of shelled peanuts at Stockton, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, webbing, and insect-infested peanuts.

DISPOSITION: February 13, 1945. The L. Demartini Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

8471. Adulteration of Spanish peanuts. U. S. v. 300 Bags of Spanish Peanuts. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 14781. Sample No. 97705-F.)

LIBEL FILED: December 16, 1944, District of Minnesota.

ALLEGED SHIPMENT: On or about October 21, 1944, from Durant, Okla.

PRODUCT: 300 bags, each containing 118 pounds, of shelled Spanish peanuts at Minneapolis, Minn. The product had been stored, after shipment, in the Security Warehouse Co. (Deere Warehouse), Minneapolis, Minn., but had been moved before seizure. The bags were rodent-gnawed, and rodent pellets were observed on them. Examination showed that the article contained rodent hairs, rodent excreta, and moldy peanuts.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of filthy and decomposed substances; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: April 30, 1945. The Pearson Candy Co., Minneapolis, Minn., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into conformity with the law, under the supervision of the Food and Drug Administration.

8472. Adulteration of unshelled peanuts. U. S. v. 33 Bags of Unshelled Peanuts. Default decree of condemnation and destruction. (F. D. C. No. 15155. Sample No. 22608-H.)

LIBEL FILED: January 26, 1945, Southern District of Iowa.

ALLEGED SHIPMENT: On or about December 8, 1943, by the Edenton Peanut Co., Edenton, N. C.

PRODUCT: 33 bags, each containing approximately 89 pounds, of unshelled peanuts at Davenport, Iowa.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae and insect-infested peanuts.

DISPOSITION: March 23, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8473. Adulteration of peanuts. U. S. v. 29 Bags of Peanuts. Default decree of condemnation and destruction. (F. D. C. No. 15190. Sample No. 28509-H.)

LIBEL FILED: February 15, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about April 20, 1944, from Americus, Ga.

PRODUCT: 29 bags, each containing approximately 115 pounds, of peanuts at Seattle, Wash., in the possession of the Bell Street Cold Storage. This product was stored, after shipment, under insanitary conditions. Some of the bags were

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted that the product contained rodent hairs and moldy peanuts.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: April 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8474. Adulteration of peanuts in shell. U. S. v. 177 Bags of Peanuts in Shell. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15221. Sample No. 18821-H.)

LIBEL FILED: February 7, 1945, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about September 2, 1944, by the Boykins Peanut Co., from Boykins, Va.

PRODUCT: 177 90-pound bags of peanuts at Sheboygan, Wis.

LABEL, IN PART: (Bags) "Bo-CO Hand Picked Jumbo Virginia Peanuts."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested, moldy, and decomposed peanuts.

DISPOSITION: April 7, 1945. The C. A. Flipse Sons Co., Inc., Sheboygan, Wis., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

8475. Adulteration of peanut butter. U. S. v. 1,388 Cases of Peanut Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. 15168. Sample No. 54689-F.)

LIBEL FILED: January 27, 1945, Middle District of Georgia.

ALLEGED SHIPMENT: On or about December 26, 1944, by the Globe Grocery Co., from Chicago, Ill.

PRODUCT: 1,388 cases, each containing 12 1-pound, 8-ounce jars, of peanut butter at Haddock, Ga.

LABEL, IN PART: "Georgia Gold Peanut Butter."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of dirt and splinters of wood.

DISPOSITION: February 24, 1945. The Cherokee Products Co., Haddock, Ga., claimant, having admitted the adulteration of the product, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be disposed of as animal feed, under the supervision of the Food and Drug Administration.

8476. Adulteration and misbranding of peanut butter. U. S. v. 61 Cases of Peanut Butter. Default decree of condemnation. Product ordered denatured for use as animal feed. (F. D. C. No. 14700. Sample Nos. 61966-F, 61967-F.)

LIBEL FILED: December 5, 1944, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about October 9, 1944, by the Rainer Packing Co., from Montgomery, Ala.

PRODUCT: 23 cases, each containing 12 jars, and 38 cases, each containing 24 jars, of peanut butter at Summit, Miss. Examination showed that the product contained insect fragments and dirt, and that a portion was short of the declared weight.

LABEL, IN PART: "Net Wt. 1 Lb. 8 Oz. [or "½ Lb."] Rainer's Pure Peanut Butter."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

Misbranding, Section 403 (e) (2), a portion of the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 7, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered denatured to be used for animal feed.

8477. Misbranding of peanut butter. U. S. v. 126 Cases of Peanut Butter. Default decree ordering the product to be distributed to charitable institutions, or destroyed. (F. D. C. No. 14673. Sample No. 87394-F.)

LIBEL FILED: December 1, 1944, District of Minnesota.

ALLEGED SHIPMENT: On or about September 11, 1944, by the George Hogue Mercantile Co., from Kansas City, Mo.

PRODUCT: 126 cases, each containing 24 jars, of peanut butter at St. Paul, Minn. Examination showed that the product was short-weight.

LABEL, IN PART: "Net Wt. 1 Lb. 8 Oz. Missouri Valley Brand Peanut Butter."

VIOLATION CHARGED: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents, since the label statement "Net Wt. 1 Lb. 8 Oz." was inaccurate.

DISPOSITION: January 17, 1945. No claimant having appeared, judgment was entered ordering that the product be delivered to charitable institutions, or destroyed.

8478. Adulteration of unshelled pecans. U. S. v. Edgar M. Boyles and James Harry Thompson (2 informations filed). Pleas of not guilty to each information, by each defendant. Tried to the court and jury. Verdicts of guilty. Boyles and Thompson sentenced to serve a total of 18 months' and 15 months' imprisonment, respectively. (F. D. C. No. 12579. Sample Nos. 25686-F, 48188-F, 72213-F, 72214-F.)

INFORMATIONS FILED: March 8, 1945, Middle District of Georgia, against Edgar M. Boyles and James Harry Thompson, Albany and Macon, Ga.

ALLEGED SHIPMENT: Between the approximate dates of October 30 and November 11, 1943, from the State of Georgia into the States of Tennessee and Alabama.

VIOLATIONS CHARGED: Adulteration (both informations), Section 402 (a) (3), the product consisted in whole or in part of filthy and decomposed substances and was otherwise unfit for food by reason of the presence of insect-infested, moldy, decomposed, shriveled, and rancid nuts; Section 402 (b) (3), it consisted in large part of damaged and inferior nuts, which damage and inferiority had been concealed by topping the damaged and inferior nuts with nuts of a better quality; and, Section 402 (b) (4), nuts of a better quality than the remainder of the product had been added to the tops of the bags so as to make the product to appear better and of greater value than it was.

DISPOSITION: The defendants having filed a motion to dismiss the informations on the ground that they had bought and sold the product in good faith, and the motion having been denied, pleas of not guilty were entered to both informations. On April 18, 1945, the cases came on for trial before a jury. They were tried simultaneously, and on April 19, 1945, the jury returned a verdict of guilty. On the same date, the court sentenced the defendant, Boyles, to a total of 18 months' imprisonment, and the defendant, Thompson, to a total of 15 months' imprisonment for the violations represented by both informations.

8479. Adulteration of pecan meats. U. S. v. 1 Box of Pecan Meats. Default decree of condemnation and destruction. (F. D. C. No. 14679. Sample No. 75420-F.)

LIBEL FILED: November 30, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about August 22, 1944, by Ricci & Co., from Chicago, Ill.

PRODUCT: 1 60-pound box of pecan meats at Buffalo, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: March 12, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8480. Adulteration of shelled pecans. U. S. v. 15 Cases of Shelled Pecans. Default decree of condemnation and destruction. (F. D. C. No. 14831. Sample No. 74372-F.)

LIBEL FILED: December 21, 1944, Southern District of California.

ALLEGED SHIPMENT: On or about October 6, 9, and 13, 1944, by the American Pecan Co., San Antonio, Tex.

PRODUCT: 15 cases, each containing 60 pounds, of shelled pecans at Los Angeles, Calif.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy and decomposed substances by reason of the presence of larvae, insect fragments, and insect-infested and moldy pecans; and, Section 402 (a) (4), the product had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: April 10, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8481. Misbranding of pecans in shell. U. S. v. 31 Bags of Pecans in Shell. Default decree of condemnation. Product ordered repacked, labeled, and sold. (F. D. C. No. 14865. Sample No. 34978-F.)

LIBEL FILED: December 27, 1944, Northern District of Georgia.

ALLEGED SHIPMENT: On or about November 15 and 16, 1944, by the Haygood Pecan Co., from Lexington, S. C.

PRODUCT: 31 2-pound bags of pecans in shell at Atlanta, Ga.

LABEL, IN PART: "Haygood's Choice Paper-shell Pecans."

VIOLATION CHARGED: Misbranding, Section 403 (e) (2), the product failed to bear a label containing a statement of the quantity of the contents.

DISPOSITION: April 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered repacked and labeled in compliance with the law, and sold to the highest bidder.

8482. Adulteration of pine nuts. U. S. v. 200 Bags of Pine Nuts. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12821. Sample No. 60058-F.)

LIBEL FILED: June 30, 1944, District of Hawaii.

ALLEGED SHIPMENT: On or about June 3, 1944, by the Albert Asher Co., from San Francisco, Calif.

PRODUCT: 200 80-pound bags of pine nuts at Kahului, T. H.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of animal excreta pellets.

DISPOSITION: January 26, 1945. The Maui Dry Goods and Grocery Co., Ltd., Kahului, T. H., claimant, having admitted that the product was adulterated as set forth in the libel, judgment of condemnation was entered and the nuts were ordered released under bond for cleaning and repacking under the supervision of the Food and Drug Administration.

8483. Adulteration of pine nuts. U. S. v. 16 Bags of Pine Nuts. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 15184. Sample No. 29142-H.)

LIBEL FILED: January 31, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about November 26, 1943, by the Gallup Mercantile Co., from Gallup, N. Mex.

PRODUCT: 16 second-hand, 85-pound bags of pine nuts at Fresno, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of excreta pellets of sheep, goats, and possibly rabbits.

DISPOSITION: March 8, 1945. Davis & Sons, Fresno, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into con-

formity with the law, under the supervision of the Food and Drug Administration.

8484. Adulteration of piñon nuts. U. S. v. 71 Bags of Piñon Nuts. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12822. Sample No. 60057-F.)

LIBEL FILED: June 30, 1944, District of Hawaii.

ALLEGED SHIPMENT: On or about June 3, 1944, by Alexander & Baldwin, Ltd., from San Francisco, Calif.

PRODUCT: 71 80-pound bags of piñon nuts at Kahului, T. H.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of animal excreta pellets.

DISPOSITION: October 24, 1944. The Hawaiian Commercial and Sugar Co., Ltd., claimant, having admitted that the nuts were adulterated as alleged in the libel, judgment of condemnation was entered and the product was ordered released under bond to be disposed of in compliance with the law, under the supervision of the Food and Drug Administration. The product was cleaned in order to eliminate all filth.

8485. Adulteration of shelled walnuts. U. S. v. 3 Cases of Shelled Walnuts. Default decree ordering product used for animal feed. (F. D. C. No. 15012. Sample No. 25402-H.)

LIBEL FILED: January 23, 1945, District of Utah.

ALLEGED SHIPMENT: On or about November 13, 1944, by the Davis Nut Shelling Co., from Los Angeles, Calif.

PRODUCT: 3 25-pound cases of shelled walnuts at Salt Lake City, Utah.

LABEL, IN PART: "Davis-Pakt Shelled Walnuts."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested and moldy walnuts.

DISPOSITION: March 10, 1945. No claimant having appeared, judgment was entered ordering that the product be disposed of as animal feed, under the direction of the United States marshal.

MISCELLANEOUS FOODS

8486. Adulteration and misbranding of Semi-Solid "E" Emulsion (condensed buttermilk feed). U. S. v. Consolidated Products Co. Plea of guilty. Fine, \$25. (F. D. C. No. 7315. Sample No. 62800-E.)

INFORMATION FILED: September 15, 1942, against the Consolidated Products Co., a corporation, Chicago, Ill.

ALLEGED SHIPMENT: On or about December 10, 1941, from the State of Illinois into the State of Indiana.

LABEL, IN PART: (Drums) "Semi-Solid—"E"—Emulsion A Condensed Buttermilk Feed for (Poultry and Animals) Breeders, Layers And Growing Stock."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted or abstracted from the product in that the product was represented to contain not less than 3,600 units of vitamin D per pound, whereas it contained not more than 2,700 units of vitamin D per pound.

Misbranding, Section 403 (a), the label statement, "Minimum Analysis Per Pound * * * Vitamin D 3,600 Units," was false and misleading.

DISPOSITION: October 13, 1942. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$25.

8487. Adulteration of Emulsol Stabilizer No. 5. U. S. v. 104 Bags of Emulsol Stabilizer. Default decree of condemnation and destruction. (F. D. C. No. 13698. Sample No. 54654-F.)

LIBEL FILED: On or about September 26, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 26, 1944, by the J. F. G. Coffee Co., from Knoxville, Tenn.

PRODUCT: 104 100-pound bags of Emulsol Stabilizer at Chicago, Ill.

LABEL, IN PART: "Emulsol Stabilizer No. 5 Composed of Modified Cereal Starches, Vegetable Proteins, Vegetable Gums, Salt, Dextrines and Fruit Acid."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles and larvae.

DISPOSITION: November 8, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8488. Adulteration and misbranding of Grassolio. U. S. v. 2 Cans and 1 Bottle of Grassolio. Default decree of condemnation and destruction. (F. D. C. No. 15294. Sample No. 11610-H.)

LIBEL FILED: February 20, 1945, District of Massachusetts.

ALLEGED SHIPMENT: On or about December 26, 1944, by the Briganti Extract Co., Inc., from Brooklyn, N. Y.

PRODUCT: 2 1-gallon cans and 1 2-quart bottle of Grassolio at Boston, Mass. Examination of a sample showed that the product was composed of a neutral oil, F D & C Yellow No. 3, chlorophyll, and a coal-tar color made by combining aniline, or a similar base, with a phenol. No coal-tar color having the composition of the last-named color has been listed as suitable for certification.

LABEL, IN PART: "Grassolio * * * Active Ingredients. Essential Oils & Esters. Artificial Color."

VIOLATIONS CHARGED: Adulteration, Section 402 (c), the product contained a coal-tar color other than one from a batch that has been certified in accordance with the regulations.

Misbranding, Section 403 (a), the label statement, "Essential Oils," was false and misleading since the product did not contain essential oils; and, Section 403 (i), the product was fabricated from two or more ingredients, and the label failed to bear the common or usual name of each such ingredient.

DISPOSITION: May 28, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8489. Misbranding of Delson Brand Yucca Cactus. U. S. v. 4 Drums of Yucca Cactus. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15177. Sample No. 74080-F.)

LIBEL FILED: On or about February 8, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 9, 1945, by the California Citrus Juice Exchange, from Santa Ana, Calif. This was a return shipment, the product having been shipped to Santa Ana, Calif., from Chicago, Ill., by the Citrus Products Co. on or about October 9, 1944.

PRODUCT: 4 drums of Yucca Cactus at Chicago, Ill. Analysis showed that the product was a mixture of powdered plant extractive, probably a saponin, about 35 percent dehydrated sodium sulfate, and magnesium sulfate and borax. It was to be used as an ingredient of food.

LABEL, IN PART: (3 drums) "Delson Brand Yucca Cactus"; (1 drum) "Saponin (Ex Yucca)."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the names "Saponin (Ex Yucca)" and "Yucca Cactus" were false and misleading as applied to a mixture of a powdered plant extractive, probably a saponin, about 35 percent dehydrated sodium sulfate, and magnesium sulfate and borax.

Further misbranding, Section 403 (a), the labeling was misleading since it failed to reveal the material fact that the product contained a poisonous substance, borax, and the laxative drugs, epsom salts and glauber salts.

DISPOSITION: June 5, 1945. J. H. DeLamar and Son, Chicago, Ill., having admitted the facts of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration.

8490. Misbranding of gift packages of food. U. S. v. 69 Gift Packages. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 14807. Sample No. 84262-F.)

LIBEL FILED: December 19, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about November 17, 1944, by Gertrude's Studios, Chicago, Ill.

PRODUCT: 69 1-pound gift packages of food at San Francisco, Calif. These packages contained a tray containing cake and candy. The candy was packed in inadequately filled, fluted cups. About one-half of the space in the tray was occupied by the cake and candy. Beneath the tray was an empty space

which comprised approximately 40 percent of the total capacity of the package. The packages held about 30 percent of the amount of food that a completely filled box of the same dimensions would hold.

LABEL, IN PART: "Servicemen's Candy Package."

VIOLATION CHARGED: Misbranding, Section 403 (d), the container was so filled as to be misleading since the upper tray was not filled to capacity, and there was unfilled space beneath the tray.

DISPOSITION: April 12, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

8491. Misbranding of gift packages of food. U. S. v. 234 Cartons of Gift Packages. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 14494. Sample No. 73295-F.)

LIBEL FILED: November 20, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about August 29, 1944, by Golden Brand Nut Products, Inc., from New York, N. Y.

PRODUCT: 234 3-pound gift packages of food at Oakland, Calif.

The packages contained 14 fluted paper cups of cookies, candies, pear paste, a jar of honey, and a jar of cherries arranged around the rim of the package. A rectangular tray, 1 inch deep, covered with yellow cellophane and containing candied fruits and fruit paste, occupied the center of the package. The tray was not filled to capacity, which fact was not readily apparent to the purchaser because of the yellow cellophane cover. Space beneath the tray, ½ inch deep, was unfilled except for two pieces of pear paste supporting the tray.

LABEL, IN PART: "Victory Snack Pack."

VIOLATION CHARGED: Misbranding, Section 403 (d), the container was so filled as to be misleading since the cellophane-covered tray was not filled to capacity, and there was unfilled space beneath the tray.

DISPOSITION: January 26, 1945. Montgomery Ward and Co., Inc., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

8492. Misbranding of vanilla- and chocolate-flavored puddings. U. S. v. 10 Cartons of Vanilla Flavor Pudding and 7 Cartons of Chocolate Flavor Pudding. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 15081. Sample Nos. 5801-H, 5802-H.)

LIBEL FILED: January 25, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about November 13, 1944, by the Van Besta Co., from Brooklyn, N. Y.

PRODUCT: 10 cartons, each containing 6 dozen packages, of vanilla-flavored pudding; and 7 cartons, each containing 6 dozen packages, of chocolate-flavored pudding at Hoboken, N. J. Examination showed that the products were in the form of powder packaged in paper bags, each bag being enclosed in individual cardboard cartons.

LABEL, IN PART: "Van Besta Vanilla [or "Chocolate"] Flavor Pudding."

VIOLATION CHARGED: Misbranding, Section 403 (d), the containers of the products were so filled as to be misleading since the vanilla pudding occupied only about 38 percent of the volume of its individual carton, and since the chocolate pudding occupied only about 59 percent of the volume of its individual carton.

DISPOSITION: April 2, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES*

8493. Adulteration and misbranding of wheat germ. U. S. v. Omar, Inc. Plea of nolo contendere. Fine, \$500. (F. D. C. No. 14304. Sample No. 69657-F.)

INFORMATION FILED: March 28, 1945, District of Colorado, against Omar, Inc., Denver, Colo.

ALLEGED SHIPMENT: On or about April 25, 1944, from the State of Colorado into the State of New Mexico.

LABEL, IN PART: "Omar Toasted Wheat Germ."

*See also No. 8305.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent of the product, thiamine (vitamin B₁), had been in part omitted, since it was labeled as containing 15 milligrams of thiamine per pound, whereas it actually contained not more than 10.9 milligrams.

Misbranding, Section 403 (a), certain label statements were false and misleading in that they represented and suggested that the product contained not less than 15 milligrams of thiamine (vitamin B₁) per pound; that the product would supply sufficient quantities of the vitamin B complex and calcium to correct all deficiencies of these substances in the diet; and that it is ordinarily necessary to supplement the diet with wheat germ or a similar product in order to obtain sufficient vitamins and minerals. The product contained less than 15 milligrams of thiamine per pound; it would not supply sufficient quantities of vitamin B complex and calcium to supply all deficiencies of those substances in the diet; and it is not ordinarily necessary to supplement the diet with wheat germ or a similar product, since the ordinary diet contains sufficient vitamins and minerals for normal nutrition.

Further misbranding, Section 403 (a), the label statement, "anti pellagra factor," following the word "Niacin," was misleading because it created the impression that the product in the quantity ordinarily consumed would be of value in the prevention and treatment of pellagra, whereas it would not be of value for such purposes; and, Section 403 (j), the product purported to be and was represented as a food for special dietary uses by reason of its properties in respect of certain vitamins and minerals, and its label failed to bear, as the regulations require, (1) a statement of the proportion of the minimum daily requirements for thiamine (vitamin B₁), riboflavin (vitamin B₂), iron, calcium, and phosphorus supplied by the product when consumed in a specified quantity during a period of 1 day, (2) a statement of the quantity of niacin present in a specified quantity of the product, and (3) the statement that the need for vitamin E in human nutrition has not been established.

DISPOSITION: June 22, 1945. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$250 on each count, a total fine of \$500.

8494. Adulteration and misbranding of Derbetain No. 3 Tablets. U. S. v. Dermetics, Inc. Plea of guilty. Fine, \$200. (F. D. C. No. 14242. Sample No. 57104-F.)

INFORMATION FILED: March 21, 1945, Western District of Washington, against Dermetics, Inc., Seattle, Wash.

ALLEGED SHIPMENT: On or about September 6, 1943, from the State of Washington into the State of New York.

LABEL, IN PART: "Derbetain No. 3 Tablets Contains a vitamin A and D concentrate of fish liver oils and a special strain of yeast. Each tablet contains 200 vitamin A units U. S. P., 15 vitamin B₁ units U. S. P., 35 vitamin D units U. S. P., 5 vitamin G units Sherman-Bourquin, * * * Biologically Standardized Heller Runnels Laboratories Inc., Los Angeles, California."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, vitamin A and vitamin D, had been in part omitted or abstracted from the product, since each tablet was represented to contain 200 U. S. P. units of vitamin A and 35 U. S. P. units of vitamin D, whereas each tablet contained not more than 125 U. S. P. units of vitamin A and not more than 17.5 U. S. P. units of vitamin D.

Misbranding, Section 403 (a), the label statements, "Each tablet contains 200 vitamin A units U. S. P. * * * 35 vitamin D units U. S. P.," were false and misleading; and, Section 403 (j), the product purported to be and was represented as a food for special dietary uses by man by reason of its vitamin properties in respect of vitamins A, B₁, D, and G, and by reason of its use as a means of regulating the intake of protein, fat, carbohydrates, or calories for the purpose of controlling body weight, and its label failed to bear, as required by the regulations, (1) a statement of the proportion of the minimum daily requirements for vitamins A, B₁, D, and G which would be supplied by the product when consumed in a specified quantity during a period of 1 day, and (2) a statement of the percent by weight of protein, fat, and available carbohydrates in the product and the number of available calories which would be supplied by the product when consumed in a specified quantity during a period of 1 day.

DISPOSITION: April 23, 1945. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100 on each count, a total fine of \$200.

8495. Adulteration and misbranding of Vetevac Capsules. U. S. v. 70 Boxes of Vetevac Capsules. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 14911. Sample No. 78190-F.)

LIBEL FILED: January 8, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 11, 1944, by the Purity Drug Co., from Passaic, N. J.

PRODUCT: 70 boxes, each containing 100 vitamin capsules, at Philadelphia, Pa. Examination of a sample showed that the article was 45 percent deficient in vitamin B₂ (riboflavin).

LABEL, IN PART: (Boxes) "Vetevac Capsules A—B₁—B₆—C—D—G—E with Liver Concentrate and Iron * * * Thyrole Products Co. 800 Walnut Street, Philadelphia, Pa. Distributors."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B₂ (riboflavin), had been in part omitted from the article.

Misbranding, Section 403 (a), the label statements, "One capsule from each group once a day will provide the minimum daily adult requirement of Vitamins * * * B₂," and "Vitamin B₂ (G) 2000 mcg. (2.0 mg.)," were false and misleading as applied to the article, which contained less than the stated amount of vitamin B₂; and, Section 403 (f), the information concerning its vitamin properties, required by law to appear on the label, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use, since the information appeared on the bottom of the box.

DISPOSITION: March 22, 1945. The Purity Drug Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

8496. Adulteration and misbranding of Multivitamin, Vitamin D Capsules. U. S. v. 50,108 Bottles of Multivitamin Vitamin D Capsules. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 14926. Sample No. 44355-F.)

LIBEL FILED: January 3, 1945, Northern District of California.

ALLEGED SHIPMENT: On or about October 4, 1944, by the American Pharmaceutical Co., Inc., from New York, N. Y.

PRODUCT: 50,108 bottles, each containing 100 vitamin D capsules, at San Francisco, Calif.

LABEL, IN PART: (Bottles) "100 Capsules Vitamins, Multivitamin * * * Vitamin 'D' 200 U. S. P. Units."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement, "Vitamin 'D' 200 U. S. P. Units," was false and misleading since the article contained not more than 140 U. S. P. units of vitamin D per capsule.

DISPOSITION: February 28, 1945. The American Pharmaceutical Co., Inc., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

8497. Adulteration and misbranding of vitamin and mineral capsules. U. S. v. 30 Drums of Vitamin Capsules. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14880. Sample No. 67992-F.)

LIBEL FILED: December 30, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about June 26, 1944, by the Keith-Victor Pharmacal Co., from St. Louis, Mo.

PRODUCT: 30 drums, each containing from 14,000 to 18,000 vitamin and mineral capsules, at Cincinnati, Ohio.

Examination showed that the article was approximately 25 percent deficient in vitamin B₁ and niacin.

LABEL, IN PART: "Sugar Coated Oval Orange Vitamin and Mineral Spheroid Gelatin Capsules."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, vitamin B₁ and niacin, had been in part omitted or abstracted from the product.

Misbranding, Section 403 (a), the statements on the labels of the bulk containers, "Three spheroids contain: * * * Vitamin B₁ (Thiamin Chloride USP) 333 USP units . . . 1 mg * * * Niacin, USP . . . 20 mg * * * Three spheroids a day * * * will supply the following percentages of the daily minimum adult requirement of * * * B₁, 100%," were false and misleading as applied to the article, which contained less than the declared amounts of vitamin B₁ and niacin, and which did not supply, in 3 spheroids, 100 percent of the daily minimum adult requirement of vitamin B₁.

DISPOSITION: May 17, 1945. The Celtonsa Medicine Co., Cincinnati, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for re-labeling under the supervision of the Food and Drug Administration.

8498. Adulteration and misbranding of Vitees. U. S. v. 69 Cartons of Vitees. Default decree of condemnation and destruction. (F. D. C. No. 15279. Sample No. 11318-H.)

LIBEL FILED: February 15, 1945, District of Massachusetts.

ALLEGED SHIPMENT: On or about January 26, 1945, by the Vitagram Co., from New York, N. Y.

PRODUCT: 69 cartons, each containing 24 8-tablet boxes, of Vitees at Cambridge, Mass.

Analysis showed that the article was 50 percent deficient in vitamin A.

LABEL, IN PART: "Vitees Chocolate Flavored The Vitamin Candy * * * Each 5¢ Package of Vitees Contains Vitamins A . . . 400 U. S. P. Units B-1 . . . 75 U. S. P. Units C . . . 20 U. S. P. Units D . . . 800 U. S. P. Units E . . . Added G (B₂) Riboflavin 50 Gammas Plus . . . Calcium."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin A, had been in whole or in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label representation that each 5-cent package of the article contained 400 U. S. P. units of vitamin A was false, since each package contained less than 400 U. S. P. units of vitamin A.

Further misbranding, Section 403 (a), the following statements in the labeling created the false and misleading impression that the article would supply significant amounts of all the vitamins needed in human nutrition, whereas it would supply but inconsequential amounts of vitamins A, C, and riboflavin, three of the vitamins essential to man: (Retail package and display carton) "Vitees * * * The Vitamin Candy * * * For Vibrant Vitality (Full O'Vitamins) * * * Get . . . a 'Candy-Kick' out of vitamins Get . . . Your Vitamin-Value out of Candy * * * Vitamin-Enriched"; (display carton only) "Eat Vitees Vitamin Candy."

Further misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin A, B₁, C, D, E, riboflavin, and calcium content, and its label failed to bear, as required by the regulations, (1) a statement of the proportion of the minimum daily requirements of vitamins A, B₁, C, D, riboflavin, and calcium, and the amount of vitamin E, furnished by a specified quantity of the product when consumed during a period of 1 day, and (2) the statement that the need for vitamin E in human nutrition has not been established.

DISPOSITION: April 2, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8499. Misbranding of American Calcium Pantothenate Tablets. U. S. v. 39½ Dozen Bottles of Calcium Pantothenate Tablets and 100 Booklets. Default decree of condemnation and destruction. (F. D. C. No. 14637. Sample No. 85907-F.)

LIBEL FILED: December 12, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about September 6, 1944, by the American Beauty Products Co., from Chicago, Ill.

PRODUCT: 39½ dozen bottles, each containing 30 calcium pantothenate tablets, and 100 copies of an accompanying booklet entitled "City Catalog No. 80," at Denver, Colo.

LABEL, IN PART: "American Calcium Pantothenate Dextrotory Each tablet contains not less than 10 milligrams Calcium Pantothenate."

VIOLATION CHARGED: Misbranding, Section 403 (a), the following statements in the booklets were false and misleading, since the article was not of value in the conditions suggested or implied by the statements: "Anti-Gray Hair and Nail Vitamins (Calcium-Pantothenate-Dextrotrotatory) Now you can sell Calcium Pantothenate Vitamins to your patrons. Good Housekeeping Bureau experiments of 16 months showed that 88 percent of men and women subjected to the tests showed positive evidence of a return of natural hair color. It revealed also definite improvement in the texture of the skin and the elasticity of the finger nails. * * * For Gray Hair * * * Newest Vitamin Discovery. Good Housekeeping tests showed 88% return of hair color."

DISPOSITION: February 21, 1945. No claimant having appeared, judgment of condemnation was entered and the product and booklets were ordered destroyed.

8500. Misbranding of Delicia Vitamalt Bar. U. S. v. 81 Boxes of Delicia Vitamalt Bar. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 14652. Sample No. 83048-F.)

LIBEL FILED: On or about December 18, 1944, District of Connecticut.
ALLEGED SHIPMENT: On or about November 17, 1944, by the Delicia Chocolate and Candy Manufacturing Co., Inc., from Bronx, N. Y.
PRODUCT: 81 boxes, each containing 24 1-ounce Delicia Vitamalt Bars, at Waterbury, Conn.

VIOLATION CHARGED: Misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of the label representation, "Enriched with irradiated yeast containing vitamins D and B₁," and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of vitamins D and B₁ furnished by a specified quantity of the product when consumed during a period of 1 day.

DISPOSITION: February 16, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered, after removal of the labels, to charitable institutions.

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Beef, boneless, frozen-----	8466-8468	Dairy products -----	³ 8359-8376
Beverages and beverage mate-		Delicia Vitamalt Bar-----	8500
rials-----	² 8301-8305, 8457	Delson Brand Yucca Cactus-----	8489
Bread-----	8309, 8311	Derbetain No. 3 Tablets-----	8494
Butter-----	8359-8367	Durum flour-----	8321
Cakes and cookies-----	8309, 8310, 8338	Eggs, dried-----	8377-8379
Candy--	8338-8349, 8490, 8491, 8498, 8500	frozen-----	8380-8386
Cereals and cereal products-- ¹	8306-8338	Emulsol Stabilizer No. 5-----	8487

¹ (8308) Permanent injunction issued. Contains opinion of the court.
² (8301, 8425) Permanent injunction issued.
³ (8368, 8391, 8478) Prosecution contested.

	N. J. No.		N. J. No.
Farina, enriched	8334	Pecans	³ 8478-8481
Feed	8486	Phosphated flour	8321, 8322
Fish and shellfish	³ 8387-8402	enriched	8327, 8328
Flour	8312-8329	Pike fillets, frozen	8395
enriched	8327-8329	Pine nuts	8482-8484
Fruits and vegetables	² 8301-8305,	Piñon nuts. <i>See</i> Pine nuts.	
	² 8403-8463, 8491	Popcorn	8336
fruit(s), assorted	8428, 8491	Potato flour	8319
canned	8403-8408	Potatoes, sweet, canned	8443, 8444
dried	8409-8417	Poultry	8465
fresh and frozen	8418-8421	Preserves. <i>See</i> Jams, jellies, and	
glace	8428	preserves.	
jams, jellies, and pre-		Prunes	8413
serves	8422-8424	Pudding mixes	8492
miscellaneous fruit products	² 8425-	Raisins	8414-8417
	8429	Rice	8337
tomatoes and tomato products	8453-	Rosefish fillets	8396
	8463	Rye flour	8321
vegetables	8430-8452	graham flour	8323
Gift packages of food	8490, 8491	Saponin	8489
Grape pomace	8426	Sardines, canned	8397
pulp and pulp products	² 8425	Sauerkraut	8445-8451
punch	8304	Self-rising flour	8318
Grapefruit juice	² 8301	Semi-Solid "E" Emulsion	8486
Grassolio	8488	Shellfish. <i>See</i> Fish and shellfish.	
Guava paste	8427	Sirups	8352-8356
Harrison's Orange Hut Orange	8302	chocolate-flavored	8350, 8351
Herring tidbits, in wine sauce	8387, 8388	Smelt, frozen	8398
Jams, jellies, and preserves	8422-8424	Sole, frozen	8398
Liver powder	8469	Sorghum sirup	8356
Lobster meat, frozen	8389	Soy flour	8319
Macaroni and spaghetti prod-		Spaghetti. <i>See</i> Macaroni and	
ucts	8306, 8307, 8318	spaghetti products.	
Mackerel, canned	8390	Special Acid Solution	8305
Meat and poultry products	8464-8469	Squash, frozen	8452
Milk, evaporated	8374	Stabilizer	8487
nonfat solids	8375, 8376	Strawberries, frozen	8421
Mil-K-Botl Color and Mil-K-Botl		Sugar	8357, 8358
Concentrate	8305	Sweet potatoes, mashed, canned	8443,
Mineral and vitamin capsules	8497		8444
Multivitamin Vitamin D Cap-		Tomato(es), canned	8453-8455
sules	8496	catsup	8456
Mushrooms, dried	8437, 8438	juice	8457
Nuts and nut products	³ 8470-8485	paste	8458
Oats, rolled	8335	pulp	8459
Ocean perch	8394	puree	8460-8463
Olives	8407	Tullibeas, frozen	8399
Orange beverage base	8302	Tuna flakes, canned	8400
Orangeade	8303	Turbot, frozen	8398
Oysters	³ 8391-8393	Vegetables. <i>See</i> Fruits and vege-	
Pancake flour	8318	tables.	
sirup. <i>See</i> Sirups.		Vetevac Capsules	8495
Pastry flour	8318-8320	Vitamin preparations and foods	
Peaches, dried, whole	8411, 8412	for special dietary uses	8305,
with pears, diced	8408		8493-8500
Peanut(s)	8470-8474	Vitees	8498
butter	8475-8477	Walnuts	8485
Pears and peaches, diced	8408	Wheat germ	8493
Peas, canned	8439-8441	Whiting, frozen	8401, 8402
split	8442	Whole wheat flour	8321, 8324-8326

² (8301, 8425) Permanent injunction issued.³ (8368, 8391, 8478) Prosecution contested.

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Adams, J., & Co.:		Boyles, E. M.:	
rosefish fillets-----	8396	unshelled pecans-----	³ 8478
Affiliated Bakers:		Briganti Extract Co., Inc.:	
fruit cake-----	8310	Grassolio-----	8488
Alabama Products Canning Co.,		Brown-Rogers-Dixson Co.:	
Inc.:		rolled oats-----	8335
canned, mashed sweet pota-		Burrus Mill & Elevator Co.:	
toes-----	8444	enriched phosphated flour-----	8327
Albert, R. L., & Sons:		California Associated Products	
candy pack-----	8345	Co.:	
Alexander & Baldwin, Ltd.:		grape juice punch-----	8304
piñon nuts-----	8484	California Citrus Juice Ex-	
Allen, C. R.:		change:	
guava paste-----	8427	Yucca Cactus-----	8489
Allen, J. R.:		California Packing Corp.:	
frozen lobster meat-----	8389	canned green beans-----	8432
Allied Egg Products Co.:		California Raisin Co.:	
frozen whole eggs-----	8386	raisins-----	8416
Allied Fruit & Extract Co., Inc.:		Cherry-Burrell Corp.:	
raspberry-flavored spread-----	8423	butter-----	8362
American Beauty Products Co.:		Christensen, E. C.:	
calcium pantothenate tablets--	8499	grapefruit juice-----	² 8301
American Pecan Co.:		Christensen Products Co. <i>See</i>	
shelled pecans-----	8480	Christensen, E. C.	
American Pharmaceutical Co.,		Citrus Products Co.:	
Inc.:		Yucca Cactus-----	8489
Multivitamins-----	8496	Coburn Farm Products Corp.:	
American Roland Food Co.:		butter-----	8365
sauerkraut-----	8449	Colonial Baking Co.:	
American Soda Water Co.:		whole wheat flour-----	8326
orange beverage base-----	8302	Columbus Packing Co.:	
Arkansas City Flour Mills:		tomato catsup-----	8456
phosphated flour-----	8322	Consolidated Products Co.:	
Armour & Co.:		Semi-Solid "E" Emulsion-----	8486
frozen boneless beef-----	8467	Cook, C. A.:	
Asher, Albert, Co.:		orangeade-----	8303
peaches, dried, whole-----	8411, 8412	Couch, George, & Sons:	
pine nuts-----	8482	enriched flour-----	8328
Atlantic Company Coldstorage:		Crown Confections:	
cranberry beans-----	8431	candy-----	8349
Bachman Chocolate Mfg. Co.:		Cudahy Packing Co.:	
chocolate bars-----	8348	frozen whole eggs-----	8381
Ballas Egg Products Co., Inc.:		Dairyland Milk Corp.:	
frozen whole eggs-----	8383	dried skim milk-----	8375
Barlow Bros.:		Davis Nut Shelling Co.:	
apple pomace-----	8429	shelled walnuts-----	8485
Becker & Bigman:		Decatur Milling Co.:	
sauerkraut-----	8448, 8451	white corn flakes-----	8330
Beebe, A. M., Co., Inc.:		Deere Warehouse. <i>See</i> Security	
tomato puree-----	8460	Warehouse Co.	
Bell Street Cold Storage:		Del Rey Packing Co.:	
peanuts-----	8473	raisins-----	8417
Bercut-Richards Packing Co.:		Delicia Chocolate & Candy Mfg.	
canned apricots-----	8406	Co., Inc.:	
Bonita Candies, Inc.:		Delicia Vitamalt Bar-----	8500
candy-----	8343	Dermetics, Inc.:	
Borden Co.:		Derbetain No. 3 Tablets-----	8494
evaporated milk-----	8374	Dixie Lily Milling Co.:	
Bowman, Dewey:		sirup-----	8353, 8354
apples-----	8419	Donelson & Poston:	
Boykins Peanut Co.:		canned tomatoes-----	8455
peanuts-----	8474		

² (8301, 8425) Permanent injunction issued.³ (8368, 8391, 8478) Prosecution contested.

	N. J. No.		N. J. No.
Douglas Shippide Storage Corp.:		Gold'n Foods, Inc.:	
rice -----	8337	whole wheat flour -----	8324
Draper-Valley Distributors, Inc.:		Goldenberg, Ben, Inc.:	
butter -----	8363	butter -----	8366, 8367
Dunkel, Samuel:		Golden's Pickle Works, Inc.:	
butter -----	8365	sauerkraut -----	8447, 8449
Dunkel, Samuel, & Co., Inc.:		Greisler & Sons:	
dried whole eggs -----	8377, 8379	frozen boneless beef -----	8468
Dunlevy-Franklin Corp.:		Greisler Bros., Inc.:	
Italian type cheese -----	8371	frozen boneless beef -----	8468
Edenton Peanut Co.:		Greisler, S., & Sons:	
unshelled peanuts -----	8472	frozen boneless beef -----	8468
Edgars Sugar House:		Griffin Grocery Co.:	
navy beans -----	8434	flour -----	8314
Ehrat Cheese Co.:		Griffith Laboratories, Inc.:	
Italian type grated cheese -----	8372	flour -----	8313
Ely, Walter, Co.:		Hadley, F. E., & Sons:	
butter -----	8359	dried apricots -----	8410
Enoch Packing Co.:		Hardy North Nielson Creamery:	
raisins -----	8414	butter -----	8364
Ensher, Alexander, & Barsoom,		Harrisburg Food Terminal:	
Inc.:		frozen boneless beef -----	8466
tomato puree -----	8461	Harrison Orange Corp.:	
Fall River Canning Co.:		orange beverage base -----	8302
canned peas -----	8441	Harrison's Juice-Rich Orange Co.:	
Farm Bureau Fruit Products Co.:		orange beverage base -----	8302
canned tomato pulp -----	8459	Hartley Creamery:	
Favro Macaroni Manufacturing		butter -----	8363
Co.:		Haxton, G. S.:	
alimentary paste -----	8307	grape pulp -----	² 8425
Fields, H. M., Inc.:		Haxton, George W., & Son, Inc.:	
sauerkraut -----	8450	grape pulp -----	² 8425
First National Stores, Inc.:		Haygood Pecan Co.:	
raw chicken fat -----	8464	pecans in shell -----	8481
Flotill Products, Inc.:		Heinlen, C. L.:	
diced peaches and pears -----	8408	apples -----	8420
Fluhrer Bakeries:		Heinz, H. J., Co.:	
bread -----	8311	raisins -----	8415
Franco Italian Packing Co.:		Heller Candy Co.:	
canned tuna flakes -----	8400	candy -----	8344
Freshman Vitamin Co.:		Heller Runnels Laboratories,	
liver powder -----	8469	Inc.:	
Friedman, B. C., & Sons, Inc.:		Derbetain No. 3 Tablets -----	8494
cracker flour -----	8317	Highland Milling:	
meal -----	8333	liver powder -----	8469
Gallup Mercantile Co.:		Hijos De Pio Ferros, Enc.:	
pine nuts -----	8483	guava paste -----	8427
Garfunkel, Hyman and Jacob:		Hoffman, Louis:	
candy -----	8339	prunes -----	8413
Garner, C. E.:		Hogue, George, Mercantile Co.:	
frozen boneless beef -----	8467	peanut butter -----	8477
Generalis, J. G., Co.:		Hopkins, E. F.:	
jams -----	8424	frozen lobster meat -----	8389
sirup -----	8355	Hunt Brothers Packing Co.:	
Gertrude's Studios:		apricots, canned -----	8403
gift packages of food -----	8490	asparagus cuts, canned, and	
Globe Grocery Co.:		canned asparagus spears -----	8430
peanut butter -----	8475	Huston, Tom, Peanut Co.:	
Gold Medal Dairies, Inc.:		candy -----	8340
Cheddar cheese -----	³ 8368	Hyatt, R. C.:	
Golden Brand Nut Products, Inc.:		sorghum sirup -----	8356
fruits, assorted, and glaze -----	8428	Hygrade Food Products Corp.:	
gift packages of food -----	8491	Italian type cheese -----	8371

² (8301, 8425) Permanent injunction issued.³ (8368, 8391, 8478) Prosecution contested.

	N. J. No.		N. J. No.
Ideal Food Products Co.:		Meistrich, N., & Son:	
butter-----	8366	butter-----	8367
Iowa Pacific Butter & Egg Co.		Metropolitan Pool Car Assoc.:	
<i>See Shoemaker, H. D.</i>		herring tidbits-----	8387
Italian Importing Corp.:		Mil-K-Botl Corp. of America:	
Italian type grated cheese-----	8373	Mil-K-Botl Concentrate, Spe-	
J. F. G. Coffee Co.:		cial Acid Solution, and Mil-	
Emulsol Stabilizer No. 5-----	8487	K-Botl Color-----	8305
Jaha, Joe:		Miller, M. W., & Co.:	
canned oysters-----	³ 8391	frozen strawberries-----	8421
Jannert, A., & Son:		Miner-Hillard Milling Co.:	
apples-----	8420	corn grits-----	8331
Jay-Dee Candy Co.:		Moore Food Sales Co.:	
candy-----	8342	frozen strawberries-----	8421
Jones, H. R.:		Morgan Candy Manufacturing	
bakery products-----	8309	Co.:	
June Dairy Products Co., Inc.:		candy-----	8346
butter-----	8361	Morgan Packing Co.:	
Katz, Ben, Extra Mills:		tomato catsup-----	8456
rye graham flour-----	8323	Morris Fisheries, Inc.:	
Keith-Victor Pharmacal Co.:		frozen pike fillets-----	8395
vitamin and mineral capsules-----	8497	National Biscuit Co.:	
Kelly, J. R.:		flour, whole wheat-----	8325
apple pomace-----	8429	sugar-----	8357
Kramer Bros.:		New York Bakery. <i>See Jones,</i>	
dried apricots-----	8409	H. R.	
Lafond Chocolatier:		North Atlantic Fishery Products,	
candy-----	8341	Inc.:	
Lazere, M. A.:		herring tidbits-----	8387
bakery products-----	¹ 8308	North Shore Fillet Co.:	
Leibowitz Pickle Products:		frozen whiting-----	8401
sauerkraut-----	8446	Northampton Canning Co.:	
Leonard, J. H.:		canned tomatoes-----	8453
oysters-----	8393	Old Coast Dakota Warehouse:	
Levy Rice Milling Co., Inc.:		pastry flour, soy flour, potato	
rice-----	8337	flour, plain flour, and corn	
Lighthouse Oysters Co. <i>See Jaha,</i>		flakes-----	8319
Joe.		Omar, Inc.:	
Lindberg-Olive Market:		farina, enriched-----	8334
apples-----	8418	wheat germ-----	8493
McElmurray & Co.:		Otoe Food Products Co.:	
flour-----	8316	red beans-----	8436
McGrath, H. J., Co.:		Pappas, Clement, & Co.:	
tomato juice-----	8457	tomato puree-----	8463
McNaney Oyster Co.:		Parrott & Co.:	
raw oysters-----	8392	mackerel, canned-----	8390
McPhail, Russell:		tomato puree-----	8462
candy-----	8347	Paturel, E.:	
McPhail Chocolates Co.:		frozen lobster meat-----	8389
candy-----	8347	Penn Blue Ridge Dairy:	
Manley, Inc.:		butter-----	8364
popcorn-----	8336	Pevely Dairy Co.:	
Markovitz, V.:		skim milk powder-----	8376
rice-----	8337	Pillsbury Flour Mills:	
Marshall, J. O.:		phosphated flour, durum flour,	
butter-----	8363	whole wheat flour, rye flour,	
Martinez Food Cannery:		and plain flour-----	8321
canned sardines-----	8397	Porbeck, George F., Co.:	
Maryland Pacific Cone Co.:		canned, mashed sweet potatoes-----	8443
flour-----	8315	Preserve Products Co.:	
Mayer, Oscar, & Co.:		preserves and jellies-----	8422
frozen boneless beef-----	8466	Pritchett, James I., & Son:	
Means, Mark, Co.:		pinto beans-----	8435
split peas-----	8442		

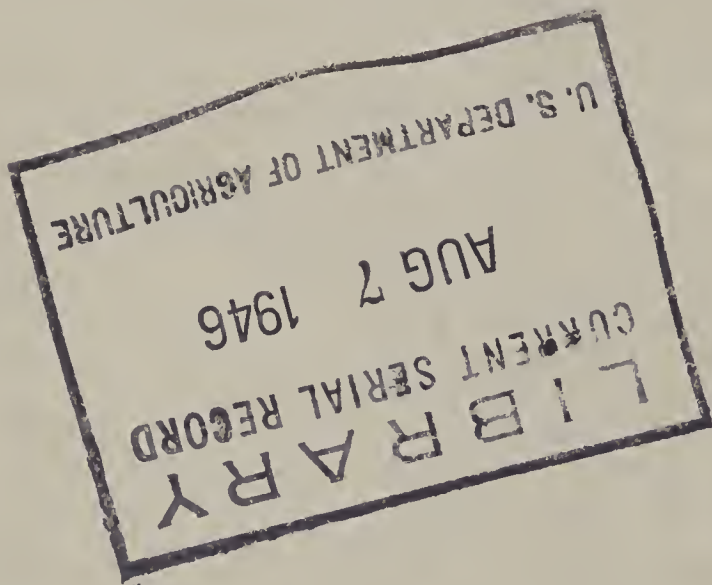
¹ (8308) Permanent injunction issued. Contains opinion of the court.³ (8368, 8391, 8478) Prosecution contested.

	N. J. No.		N. J. No.
Producers Creamery Co.:		Shevelove, Henry J., Co.:	
butter-----	8361	cake flour-----	8320
Purity Dairies:		Shoemaker, H. D.:	
butter-----	8359	frozen eggs-----	8380
Purity Drug Co.:		Silver Hill Products, Inc.:	
Vetevac Capsules-----	8495	imitation maple-flavored pan-	
Quaker City Cold Storage:		cake sirup-----	8352
frozen boneless beef-----	8468	Silverton Canning Co.:	
Quaker City Cooperative Cream-		canned green beans-----	8433
ery Co.:		Sioux City Bakery. <i>See</i> Lazere,	
butter-----	8362	M. A.	
Quaker Oats Co.:		Sisk, Albert W., & Son:	
flour-----	8312	canned tomatoes-----	8453
Rainer Packing Co.:		Slade Gorton Co.:	
peanut butter-----	8476	frozen whiting-----	8401
Raiter, Frank, Canning Co.:		Southern Maid, Inc.:	
canned apricots-----	8404	sugar-----	8358
Ricci & Co.:		Spilkes Bakery. <i>See</i> Affiliated	
pecan meats-----	8479	Bakers.	
Riverside Canning Co.:		Spring Green Creamery & Cheese	
canned tomatoes-----	8454	Industry, Inc.:	
Roanoke Public Warehouse:		cheese spread-----	8369
popcorn-----	8336	Standard Fish Co.:	
Rosenberg Bros. Co.:		ocean perch-----	8394
apple pomace-----	8429	whiting-----	8402
Rosenblum, J., & Sons:		Stanley's Products:	
butter-----	8367	sauerkraut-----	8448
Rothenberg & Schneider Bros.,		Stoller Fisheries, Inc.:	
Inc.:		frozen tullibees-----	8399
frozen whole eggs-----	8382	Suffolk Peanut Co.:	
Ruhlman, H. W.:		shelled peanuts-----	8470
grape pulp-----	² 8425	Sun-Maid Raisin Growers of Cali-	
Russian-Polish Importing Co.:		fornia:	
dried mushrooms-----	8438	raisins-----	8415
Sacramento Frosted Foods Co.:		Sun-Rich Products Co. <i>See</i> Cook,	
frozen squash-----	8452	C. A.	
St. Cloud Products Assoc.:		Surprise Candy Co. <i>See</i> Gar-	
canned peas-----	8439	funkel, Hyman and Jacob.	
San Martin Canning Co.:		Texas Star Flour Mills:	
tomato puree-----	8460	enriched flour-----	8329
Santa Cruz Processors, Inc.:		Thompson, J. H.:	
frozen smelt, turbot, and sole-	8398	unshelled pecans-----	³ 8478
Santoro, Joseph:		Thorndike & Gerrish Co.:	
macaroni-----	8306	poultry-----	8465
Santoro, G., & Sons, Inc.:		Thornton, E. A.:	
macaroni-----	8306	grape pulp-----	² 8425
Sardamack Fisheries:		Thyrole Products Co.:	
canned mackerel-----	8390	Vetevac Capsules-----	8495
Schoenfeld, H., & Sons:		Tracy Products Co.:	
dried mushrooms-----	8437	frozen whole eggs-----	8384
Sea King Food Corp.:		Turlock Cooperative Growers:	
herring tidbits-----	8387, 8388	canned apricots-----	8405
Security Warehouse Co.:		Uddo & Taormina Co.:	
Spanish peanuts-----	8471	canned tomato paste-----	8458
Semken, H., & Co., Inc.:		Van Besta Co.:	
butter-----	8367	vanilla- and chocolate-flavored	
Sero Syrup Co.:		puddings-----	8492
malted, chocolate-flavored		Van Lill, S. J., Co.:	
sirup-----	8351	grape pomace-----	8426
Shawnee Milling Co.:		Van Vechten Mfg. Corp. <i>See</i>	
corn meal-----	8332	Shevelove, J. J.	
Shevelove, J. J.:		Van Vechten Milling Corp.:	
dried eggs-----	8378	dried whole eggs-----	8377

² (8301, 8425) Permanent injunction issued.
³ (8368, 8391, 8478) Prosecution contested.

	N. J. No.		N. J. No.
Vicksburg Candy Co.:		Widmer's Wine Cellars, Inc.:	
pancake flour, pastry flour, self-		grape pomace-----	8426
rising flour, plain flour, and		Wist Produce Co.:	
spaghetti-----	8318	frozen whole eggs-----	8385
Vitagram Co.:		Wood & Selick, Inc.:	
Vitees-----	8498	raisins-----	8417
Wall, W. R.:		Worland Creamery Co.:	
grape pulp-----	² 8425	butter-----	8360
Walworth Canning Co.:		Yoder, Lewis, Co.:	
canned peas-----	8440	apples-----	8419
Webb's Syrup Co.:		Youner Pickle Co.:	
sirup-----	8353, 8354	sauerkraut-----	8445
Weinberg Butter & Egg Co., Inc.:		Zatal, David and Israel:	
butter-----	8367	candy and cookies-----	8338
Whitehall Food Manufacturing		Zatal, R., Foods, Inc.:	
Corp.:		candy and cookies-----	8338
chocolate-flavored sirup-----	8350	Zuercher, C. E.:	
		Bondost or Kronost cheese----	8370

² (8301, 8425) Permanent injunction issued.



FEDERAL SECURITY AGENCY**FOOD AND DRUG ADMINISTRATION****NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

8501-8650**FOODS**

The cases reported herewith were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

MAURICE COLLINS, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., *April 22, 1946.*

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BEVERAGES AND BEVERAGE MATERIALS

8501. Adulteration of loganberry punch. U. S. v. 17 Bottles of Loganberry Punch. Default decree of condemnation and destruction. (F. D. C. No. 13654. Sample Nos. 71673-F, 74808-F.)

LIBEL FILED: September 14, 1944, Western District of Washington; amended October 20, 1944.

ALLEGED SHIPMENT: On or about June 30 and July 12, 1944, by the Albert's Products Co., from Portland, Oreg.

PRODUCT: 17 1-gallon bottles of loganberry punch at Seattle, Wash.

LABEL, IN PART: "Albert's Special Loganberry Punch Artificially Colored Citric Acid Added."

NATURE OF CHARGE: Adulteration, Section 402 (a). (2), the article contained an added poisonous and deleterious substance, monochloroacetic acid, which was unsafe within the meaning of the law, since it was a substance not required in the production of the article, and it could have been avoided by good manufacturing practice.

DISPOSITION: September 7, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8502. Misbranding of 505 Fermentation Inhibitor. U. S. v. 2 Bottles of 505 Fermentation Inhibitor. Tried to the court. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 14022. Sample No. 77688-F.)

LIBEL FILED: October 9, 1944, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 25, 1944, by the Sethness Products Co., from Chicago, Ill.

PRODUCT: 2 1-gallon bottles of 505 Fermentation Inhibitor at Philadelphia, Pa. Analysis showed that the product was an aqueous solution containing about 34 grams of monochloroacetic acid per 100 cc.

LABEL, IN PART: "Contains * * * Food Acid * * * Use: To be used in Acid products to prevent lactic and alcoholic fermentation and the growth or multiplication of yeast bacteria."

NATURE OF CHARGE: Misbranding, Section 403 (a), the labeling was misleading in that it failed to reveal the fact that the article contained about 34 grams, per 100 cc., of monochloroacetic acid, a poisonous and deleterious substance, which caused the article itself to be a poisonous and deleterious substance and which rendered it unwholesome and unsuitable for use as a component of food used by man.

DISPOSITION: On November 4, 1944, the Sethness Products Co., claimant, having filed a petition for the removal of the case for trial to another jurisdiction, an order was entered directing the transfer of the case to the Eastern District of Wisconsin. Thereafter, the claimant filed an answer denying the misbranding of the product and, on July 2, 1945, the case came on for trial before the court. After consideration of the testimony of the parties and the arguments of counsel, the court, on September 4, 1945, handed down the following findings of fact and conclusions of law:

DUFFY, *District Judge*:

FINDINGS OF FACT

"1. On or about the 25th day of August, 1944, said Sethness Products Company did ship and consign from Chicago, Illinois to Philadelphia, Pennsylvania said article so seized.

"2. That said article consists of a solution of monochloroacetic acid in water in the proportions of thirty-four grams of monochloroacetic acid to one hundred cubic centimeters of the article. Monochloroacetic acid is a poisonous and deleterious substance, and the article is a poisonous and deleterious substance.

"3. Said article was sold and shipped by claimant to be used as a component of food.

"4. When introduced into interstate commerce as aforesaid, the labeling of said article represented that it was a non-poisonous and harmless substance and failed to reveal the fact material in the light of such representation that said article is a poisonous and deleterious substance, and that by reason of said omission I find that said labeling was misleading within the meaning of Sec. 343 (a), Title 21, United States Code.

"5. That 505 Fermentation Inhibitor, when used in proportions not to exceed 500 parts per million, does not render foods or beverages injurious, deleterious or unsafe for human consumption.

"And I find as

CONCLUSIONS OF LAW

"1. That the said article under seizure is misbranded in violation of Sec. 343 (a), Title 21, United States Code, because its labeling is misleading within the meaning of Sec. 343 (a), and was introduced into interstate commerce in violation of Sec. 331 (a), Title 21, United States Code, and is subject to condemnation pursuant to Sec. 334 (a), Title 21, United States Code. Let a decree of condemnation be entered accordingly, with costs against the claimant."

On September 4, 1945, judgment of condemnation was entered and the said article, which does not render foods or beverages injurious, deleterious or unsafe for human consumption, is hereby condemned under the law, under the supervision of the Federal Security Agency.

8503. Misbranding of 505 Fermentation Inhibitor. U. S. v. 3 Jugs of 505 Fermentation Inhibitor. Default decree of condemnation and destruction. (F. D. C. Nos. 16141, 16142. Sample No. 23733-H.)

LIBELS FILED: On or about May 22, 1945, Southern District of Texas.

ALLEGED SHIPMENT: On or about November 9, 1944, by the Sethness Products Co., from Chicago, Ill.

PRODUCT: 3 1-gallon jugs of 505 Fermentation Inhibitor at Houston, Tex. Analysis showed that the product was an aqueous solution containing about 34 grams of monochloroacetic acid per 100 cc.

NATURE OF CHARGE: Misbranding, Section 403 (a), the labeling was misleading since the name "505 Fermentation Inhibitor," in combination with the statements, "Contains: Water, Acetic Derivatives, Food Acids, and esters and ethers of monochloroacetic acid. Use: To be used in Acid products to prevent lactic and alcoholic fermentation and the growth or multiplication of yeast bacteria," created the impression that the article was wholesome and suitable for use as a component of food used by man, whereas it contained monochloroacetic acid, a poisonous and deleterious substance.

DISPOSITION: August 30, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

8504. Misbranding of Effect-O. U. S. v. 3 Bottles of Effect-O (and 2 other seizure actions against Effect-O). Decrees of condemnation. Portion of product ordered released under bond; remainder ordered destroyed. (F. D. C. Nos. 16424 to 16428, incl. Sample Nos. 17957-H to 17961-H, incl.)

LIBELS FILED: June 18, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 15, 1944, and February 23, 1945, by the Chandler Laboratories, from Philadelphia, Pa.

PRODUCT: 3 bottles and 66 cases, each containing 4 bottles, of Effect-O at Chicago, Ill.; and 16 bottles and 18 bottles of Effect-O at Aurora and Joliet, Ill., respectively. Analysis showed that the product was a water solution containing about 13 percent of monochloroacetic acid.

LABEL, IN PART: (Bottles) "Effect-O Contents One Gallon."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label of the article was misleading in that the label statements, "The Perfect Stabilizer For All Beverages Eliminates the Use of Preservatives Use ½ Oz. to each Gallon of Bottling Syrup," created the impression that the article was wholesome and suitable for use as a component of all beverages used by man; and the labeling of the article failed to reveal the material fact, in the light of such representations, that monochloroacetic acid is a poisonous and deleterious substance which rendered the product unwholesome and unsuitable for use as a component of beverages used by man.

DISPOSITION: Between September 26 and November 6, 1945. Chandler Laboratories having appeared as claimant for the 66-case lot of the product and having admitted the facts of the libel, and no claimants having appeared for the other lots of the product, judgments of condemnation were entered and the 66-case lot was ordered released under bond for relabeling under the supervision of the Food and Drug Administration. The remaining lots were ordered destroyed.

8505. Misbranding of Effect-O. U. S. v. 3 Bottles of Effect-O. Default decree of condemnation and destruction. (F. D. C. No. 16429. Sample No. 19217-H.)

LIBEL FILED: June 8, 1945, Northern District of Iowa.

ALLEGED SHIPMENT: On or about March 19, 1945, by the Anchor Storage Co., from Chicago, Ill.

PRODUCT: 3 1-gallon bottles of Effect-O at Waterloo, Iowa.

LABEL, IN PART: "Effect-O * * * Chandler Laboratories, Philadelphia, Pa."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label of this article was misleading in the same respect as the label of the product reported in the preceding notice of judgment, No. 8504, involving another lot of the same product.

DISPOSITION: July 2, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8506. Misbranding of liquid stabilizer. U. S. v. 3 Jugs of Liquid Stabilizer. Default decree of condemnation and destruction. (F. D. C. No. 16152. Sample No. 5821-H.)

LIBEL FILED: May 17, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about March 6, 1945, by Edward I. Lowell, from New York, N. Y.

PRODUCT: 3 1-gallon jugs of liquid stabilizer at Paterson, N. J. Analysis showed that the product was essentially an aqueous solution of monochloroacetic

acid. It was intended for use by dealers as a preservative in chocolate fountain sirups, and it was represented by the shippers as a preservative.

LABEL, IN PART: "Liquid Stabilizer An Inhibitor Containing Monochloracetic Acid."

NATURE OF CHARGE: Misbranding, Section 403 (a), the name "Liquid Stabilizer" was misleading since it created the impression that the article was wholesome and suitable for use as a component of food used by man, whereas the labeling failed to reveal the material fact that monochloracetic acid is a poisonous and deleterious substance, which caused the product to be poisonous and deleterious and which rendered it unwholesome and unsuitable for use as a component of food.

DISPOSITION: July 13, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8507. Adulteration and misbranding of peach flow. U. S. v. 181 Cases of Peach Flow. Default decree of condemnation and destruction. (F. D. C. No. 15182. Sample No. 74186-F.)

LIBEL FILED: February 3, 1945, Southern District of Illinois.

ALLEGED SHIPMENT: On or about November 7, 1944, by the Pure Foods Corporation, from Los Angeles, Calif.

PRODUCT: 181 cases, each containing 24 cans, of peach flow at Granite City, Ill. Examination showed that the product contained decomposed peach material; and that it was composed of 33 percent fruit, the remainder being water, sugar, and acid.

LABEL, IN PART: "Golden Flow Brand * * * Peach Flow [design of a glass of beverage and a peach]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (a), the design of a glass containing a beverage, with a picture of a peach, and the name "Peach Flow," were misleading as applied to an article containing only 33 percent fruit.

DISPOSITION: August 28, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8508. Adulteration and misbranding of coffee. U. S. v. 4,098 Cases of Coffee. Product relabeled by agreement of the parties, and libel dismissed. (F. D. C. No. 16079. Sample No. 3446-H.)

LIBEL FILED: May 1, 1945, District of Maryland; amended June 4, 1945.

ALLEGED SHIPMENT: On or about December 7, 1944, by The Fidelity Storage and Salvage Co., from Norfolk, Va.

PRODUCT: 4,098 cases, each containing 12 1-pound bags, of coffee at Baltimore, Md. Cup tests showed that the article had the disagreeable, stale flavor of very old, deteriorated coffee.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food since it had the flavor of old, stale, and deteriorated coffee.

Misbranding, Section 403 (a), the labeling was misleading as applied to a product consisting of old, stale, and deteriorated coffee; and it was further misleading since it failed to reveal facts which were material in the light of its representations with respect to the customary and usual conditions of use of the article, as implied by the designation "Coffee."

DISPOSITION: The Hanover Jobbing Co., Baltimore, Md., claimant, filed an answer denying that the product was adulterated and misbranded as alleged in the libel. Thereafter, on July 10, 1945, the matters in controversy were resolved by agreement with the Government that the product would be relabeled by affixing to each package of the article a label stating, "This Coffee Packed June 1943," in manner and form subject to the approval of the Food and Drug Administration. On September 19, 1945, the labeling of the product having been completed and approved, the libel was ordered dismissed.

8509. Misbranding of coffee. U. S. v. H. A. Marr Grocery Co. Plea of nolo contendere. Fine, \$150. (F. D. C. No. 15561. Sample Nos. 36568-F, 36569-F, 69719-F to 69722-F, incl.)

INFORMATION FILED: June 29, 1945, District of Colorado, against the H. A. Marr Grocery Co., a corporation, Denver, Colo.

ALLEGED SHIPMENT: On or about February 22, March 30, and June 3, 1944, from the State of Colorado into the States of Wyoming and Texas.

LABEL, IN PART: (Jars) "Brimfull Brand Coffee Net Weight 1 Lb.," or "Red & White Brand * * * Coffee Net Weight 1 Lb. Red & White Corp'n. Distributors, Chicago, Ill."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents, since the jars contained less than 1 pound net weight.

DISPOSITION: August 1, 1945. A plea of nolo contendere having been entered on behalf of the defendant, a fine of \$50 on each of 3 counts was imposed, a total fine of \$150.

8510. Adulteration and misbranding of orange-, lemon-, and grape-flavored sirups. U. S. v. 90 Cases of Home Brand Nectar Sirup (Orange, Lemon and Grape Flavors). Default decree of condemnation and destruction. (F. D. C. No. 15149. Sample Nos. 74887-F to 74889-F, incl.)

LIBEL FILED: February 20, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about June 9, 1944, by the Empire Freight Co., from Los Angeles, Calif. The shipment was invoiced by the California Associated Products Co., Los Angeles, Calif.

PRODUCT: 200 cases, each containing 24 8-ounce bottles, of orange-, lemon-, and grape-flavored sirups at Everett, Wash.

LABEL, IN PART: "Home Brand Nectar Syrup Orange [or "Lemon" or "Grape"] Flavor * * * Greene Products Company * * * Los Angeles California * * * Contains Sugar, Water, Concentrated Orange [or "Lemon" or "Grape"] Juice and other Natural Flavors, Citric Acid, Phosphoric Acid, Artificial Food Colors, less than $\frac{1}{10}$ of 1% Benzoate of Soda."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, concentrated orange juice, lemon juice, and grape juice, had been omitted in whole or in part from the respective articles; and, Section 402 (b) (4), artificial color and acids, plus orange oil in the orange-flavored sirup, lemon oil in the lemon-flavored sirup, and artificial flavor in the grape-flavored sirup, had been added to the respective articles and mixed and packed with them so as to make them appear to be sirups containing a substantial amount of concentrated orange, lemon, or grape juice, which sirups are better or of greater value than the articles were.

Misbranding, Section 403 (a), the label statements, "Contains * * * Concentrated Orange Juice * * * making jelly and marmalade * * * Orange Juice—simply add water to this syrup and drink as orange juice," "Contains * * * Concentrated Lemon Juice * * * can also be used to make marmalade and jelly," and "with Other Natural Flavors * * * Contains * * * Concentrated Grape Juice, and Other Natural Flavors * * * making jelly and marmalade * * * Grape Juice—simply by adding water to 'Nectar Syrup' drink as grape juice," were false and misleading as applied to the articles, which contained inconsequential amounts of concentrated orange juice, concentrated lemon juice, and concentrated grape juice.

DISPOSITION: September 7, 1945. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

CEREALS AND CEREAL PRODUCTS

MACARONI AND NOODLE PRODUCTS

8511. Adulteration of macaroni and noodle products. U. S. v. Favro Macaroni Manufacturing Co., a partnership, and Armand Favro. Pleas of guilty. Partnership fined \$504; individual fined \$4 and sentenced to serve 3 months in jail; jail sentence suspended, and individual defendant placed on 3 years' probation. (F. D. C. No. 14288. Sample Nos. 74541-F, 74543-F, 74722-F, 74956-F, 83501-F.)

INFORMATION FILED: August 23, 1945, Western District of Washington, against the Favro Macaroni Manufacturing Co., a partnership, Seattle, Wash., and Armand Favro, a partner.

ALLEGED SHIPMENT: Between the approximate dates of September 6 and October 13, 1944, from the State of Washington into the States of Montana, Oregon, and Idaho.

LABLE, IN PART: (Portion) "100% Semolina Sedani [or "Long Capellini"] Cinelli's Best Imported Style Paste Seattle G. Cinelli Company Tacoma"; (remainder) "Mostacioli," "Egg Noodles," "Orzo," "Spaghetti," "Vermicelli,"

"Perciatelli," "Chifferi Rigati," "Grandina," "Star," "Rigatoni," "Elbow Macaroni," or "Egg Spaghetti."

NATURE OF CHARGE: Adulteration, Section 402 (a), the products consisted in whole or in part of filthy substances by reason of the presence of live insects, insect fragments, insect excreta and webbing, rodent hairs, and a rodent excreta fragment; and, Section 402 (a) (4), they had been prepared, packed, and held under insanitary conditions whereby they might have become contaminated with filth.

DISPOSITION: October 11, 1945. Pleas of guilty having been entered on behalf of the defendants, the partnership was fined \$500 on count 1 and \$1 on each of counts 2, 3, 4, and 5. The individual defendant was sentenced to serve 3 months in jail on count 1 and was fined \$1 on each of counts 2, 3, 4, and 5. The jail sentence was suspended, and the individual defendant was placed on probation for 3 years, with the provision that he clean up and maintain his manufacturing premises to the satisfaction of the Food and Drug Administration.

8512. Adulteration of macaroni and noodle products. U. S. v. 9 Cases of Egg Noodles, 22 Bags of Bombolati, 6 Cases of Macaroni, 2 Cases of Long Spaghetti, and 10 Bags of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 16742. Sample Nos. 29289-H, 29704-H to 29708-H, incl.)

LIBEL FILED: June 23, 1945, District of Nevada.

ALLEGED SHIPMENT: On or about May 19, 1945, by the Italian American Paste Co., Inc., from San Francisco, Calif.

PRODUCT: 9 cases of egg noodles, 22 bags of bombolati, 6 cases of macaroni, 2 cases of spaghetti, and 10 bags of macaroni at Reno, Nev.

LABEL, IN PART: "Best Quality Egg Noodles," "Semolina Best Quality Paste." or "Granulated Semolina Product."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent hairs and insect fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

DISPOSITION: August 6, 1945. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

8513. Adulteration of macaroni and noodle products. U. S. v. 11 Cases of Macaroni and Noodle Products. Default decree of condemnation and destruction. (F. D. C. No. 16347. Sample Nos. 5846-H to 5850-H, incl.)

LIBEL FILED: June 8, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about April 17, 1945, by the Cardinale Macaroni Manufacturing Co., Inc., from Brooklyn, N. Y.

PRODUCT: 11 cases, each containing 20 1-pound cartons, of macaroni and noodle products at Hoboken, N. J.

LABEL, IN PART: "Cardinale Grade A Macaroni * * * Spaghetti [or "Spaghetтини," or "Maruzzelle Liscie"]," or "Cardinale Quick Cooking Sea Shells [or "Grade A Macaroni Products"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

DISPOSITION: November 7, 1945. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

8514. Adulteration and misbranding of macaroni and noodle products. U. S. v. 121 Cases of Egg Noodles (and 16 other seizure actions against macaroni and noodle products). Default decrees of condemnation. Portion of products ordered delivered to public institutions, for use as animal feed; remainder ordered destroyed. (F. D. C. Nos. 15979, 16122, 16180, 16210 to 16212, incl., 16230 to 16232, incl., 16258, 16259, 16291, 16293, 16310, 16312, 16316, 16741. Sample Nos. 3080-H to 3082-H, incl., 3084-H to 3092-H, incl., 3451-H to 3453-H, incl., 9434-H, 10063-H, 10064-H, 10069-H to 10073-H, incl., 10075-H, 10077-H, 10083-H, 10084-H, 10274-H to 10276-H, incl., 10477-H, 10494-H to 10499-H, incl., 10504-H to 10507-H, incl., 14617-H, 17630-H.)

LIBELS FILED: Between April 28 and June 21, 1945, Western District of New York, District of Maryland, Northern and Southern Districts of Ohio, Eastern

District of Michigan, District of Columbia, and Northern District of West Virginia.

ALLEGED SHIPMENT: Between the approximate dates of February 15 and May 7, 1945, by the Indiana Macaroni Co., Inc., from Indiana, Pa.

PRODUCT: 1,812½ cases of macaroni and noodle products at Jamestown, N. Y.; Frederick, Md.; Washington, D. C.; Youngstown, East Liverpool, and Steubenville, Ohio; Detroit, Mich.; and Benwood and Weirton, W. Va.

LABEL, IN PART: (Portions) "Indiana Brand," "La Gragnano Napoli Style," or "Approvata Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent hairs, rodent hair fragments, rodent excreta, and insect fragments; and, Section 402 (a) (4), the products had been prepared under insanitary conditions whereby they might have become contaminated with filth.

Misbranding, Section 403 (a), the statement, "Guaranteed to comply with State and Federal Pure Food Laws," appearing on the labels of certain portions of the products, was false and misleading as applied to products which did not comply with State and Federal pure food laws.

DISPOSITION: Between May 28 and October 17, 1945. No claimant having appeared, judgments of condemnation were entered and the products in the Frederick, Detroit, and Washington lots were ordered delivered to public institutions, for use as animal feed. The remaining products were ordered destroyed.

8515. Adulteration of egg noodles. U. S. v. 20 Cases of Egg Noodles. Default decree of condemnation and destruction. (F. D. C. No. 16164. Sample No. 4233-H.)

LIBEL FILED: May 19, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 20, 1945, by the Cumberland Macaroni Manufacturing Co., from Cumberland, Md.

PRODUCT: 20 cases, each containing 12 1-pound packages, of egg noodles at Lancaster, Pa.

LABEL, IN PART: "Alpine Eagle Macaroni Product Pure Egg Noodles."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: September 12, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8516. Adulteration of Superio Macaroni and Cheese Dinner and Superio Chili-Mac Dinner. U. S. v. 63 Cartons of Macaroni and Cheese Dinner and 38 Cartons of Chili-Mac Dinner. Default decree of condemnation and destruction. (F. D. C. No. 16317. Sample Nos. 32092-H, 32093-H.)

LIBEL FILED: June 8, 1945, District of Arizona.

ALLEGED SHIPMENT: On or about April 30, 1945, by the Superior Macaroni Co., from Los Angeles, Calif.

PRODUCT: 63 cartons, each containing 24 packages, of macaroni and cheese dinner, and 38 cartons, each containing 24 packages, of Chili-Mac Dinner at Phoenix, Ariz.

LABEL, IN PART: "Superio Macaroni and Cheese Dinner," or "Superio Chili-Mac Dinner."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

DISPOSITION: September 12, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

BAKERY PRODUCTS

8517. Adulteration of bread. U. S. v. Amarillo Baking Co. Plea of guilty; fine, \$800. (F. D. C. No. 15581. Sample Nos. 68824-F, 68826-F, 68828-F, 68830-F.)

INFORMATION FILED: September 12, 1945, Northern District of Texas, against the Amarillo Baking Co., a partnership, Amarillo, Tex.

ALLEGED SHIPMENT: July 26 and 28, 1944, from the State of Texas into the States of Oklahoma and New Mexico.

LABEL, IN PART: "Houck's Holsum Bread," "Holsum Rye," or "Holsum Wheat Blend."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect parts, mites, and rodent hairs; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: October 15, 1945. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200 on each count, a total fine of \$800.

8518. Adulteration of bread, doughnuts, and hard and sweet rolls. U. S. v. Goldblatt Bros., Inc. Plea of nolo contendere. Fine, \$1,000 and costs. (F. D. C. No. 15532. Sample Nos. 78576-F, 78578-F, 78583-F, 78585-F, 78587-F.)

INFORMATION FILED: July 11, 1945, Northern District of Illinois, against Goldblatt Bros., Inc., a corporation, Chicago, Ill.

ALLEGED SHIPMENT: On or about September 12, 1944, from the State of Illinois into the State of Indiana.

LABEL, IN PART: (Portion of bread) "Goldblatt's Bond Bread Made in Goldblatt Bros.' Ultra Modern Bakery." The rolls and doughnuts were unlabeled, and the remainder of the bread was unlabeled, except for the statement "1 Lb."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects, insect fragments, rodent hair fragments, and hair resembling rodent hair; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: October 12, 1945. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$200 on each of 5 counts, plus costs.

8519. Adulteration of bread and rolls. U. S. v. Beaty Food Products, Inc. Plea of nolo contendere. Fine, \$250 and costs. (F. D. C. No. 15534. Sample Nos. 81357-F, 81358-F, 81360-F, 81569-F, 81570-F.)

INFORMATION FILED: On or about July 9, 1945, Western District of Missouri, against Beaty Food Products, Inc., St. Joseph, Mo.

ALLEGED SHIPMENT: On or about July 15 and October 16, 1944, from the State of Missouri into the State of Kansas.

LABEL, IN PART: "Hy-Klas Bread [or "Cinnamon Rolls," or "Pan Rolls"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of larvae and insects, larva and insect parts and fragments, rodent hairs and fragments, and a rodent excreta pellet; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

DISPOSITION: September 17, 1945. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$50 on each count, a total fine of \$250, plus costs.

8520. Adulteration of bread, buns, and rolls. U. S. v. Melvin Ottenberg (Ottenberg's Bakery). Plea of nolo contendere. Fine, \$600. (F. D. C. No. 16497. Sample Nos. 79549-F, 79551-F to 79555-F, incl., 2845-H, 2847-H, 2848-H.)

INFORMATION FILED: August 10, 1945, District of Columbia, against Melvin Ottenberg, an individual trading as Ottenberg's Bakery, at Washington, D. C. It was charged that the defendant, on or about June 19 and 20, 1944, and March 21 and 23, 1945, manufactured in the District of Columbia quantities of bread, buns, and rolls that were adulterated; and that on or about June 20, 1944, he introduced into the commerce of the District of Columbia a quantity of bread that was adulterated.

LABEL, IN PART: (Bread) "Ottenberg's Original Rye [or "Pumpernickel"] Bread." The rolls and buns were unlabeled.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insect

fragments, larvae, larva cast skins, larva body parts and head capsules, an adult insect head, a fly, a thrip, mites, rodent hair fragments, and hairs resembling rodent hairs; and, Section 402 (a) (4), they had been prepared, packed, and held under insanitary conditions whereby they might have become contaminated with filth.

DISPOSITION: August 10, 1945. A plea of nolo contendere having been entered, the defendant was fined \$600.

8521. Adulteration of potato bread, rye bread, white bread, and sweet rolls. U. S. v. Bell Bakeries, Inc. Plea of nolo contendere. Fine, \$500. (F. D. C. No. 15494. Sample Nos. 72425-F, 72427-F to 72429-F, incl.)

INFORMATION FILED: May 1, 1945, Southern District of Illinois, against the Bell Bakeries, Inc., Quincy, Ill.

ALLEGED SHIPMENT: On or about July 11, 1944, from the State of Illinois into the State of Missouri.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of larvae, insect fragments, hairs resembling rodent hairs, and a rodent hair fragment; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

DISPOSITION: July 3, 1945. A plea of nolo contendere having been entered on behalf of the defendant, a fine of \$500 was imposed.

8522. Adulteration of bread, cake, and rolls. U. S. v. The Kroger Grocery & Baking Co. Plea of nolo contendere. Fine, \$750. (F. D. C. No. 15515. Sample Nos. 58961-F, 58963-F, 58965-F, 79750-F, 79757-F.)

INFORMATION FILED: July 3, 1945, Western District of Virginia, against the Kroger Grocery & Baking Co., a corporation, Roanoke, Va.

ALLEGED SHIPMENT: Between the approximate dates of July 7 and October 11, 1944, from the State of Virginia into the State of West Virginia.

LABEL, IN PART: "Kroger's Cheese [or "Clock"] Bread," "Yellow Layer," or "Cinnamin Rolls."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of larva head capsules, mites, insect fragments, rodent hair fragments, and a hair fragment resembling a rodent hair fragment; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

DISPOSITION: July 13, 1945. A plea of nolo contendere having been entered on behalf of the defendant, a fine of \$150 on each of 5 counts, a total fine of \$750, was imposed.

8523. Adulteration of bread. U. S. v. Fogelson Bros., Inc., and Nathan Fogelson. Pleas of guilty. Each defendant fined \$150. (F. D. C. No. 15510. Sample Nos. 82567-F, 82570-F, 82572-F.)

INFORMATION FILED: June 16, 1945, District of New Jersey, against Fogelson Bros., Inc., Newton, N. J., and Nathan Fogelson, secretary-treasurer.

ALLEGED SHIPMENT: On or about September 8, 1944, from the State of New Jersey into the State of New York.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of storage larvae, larva head capsules, insect fragments, whole insects, and a rodent hair fragment; and, Section 402 (a) (4), the product had been prepared and packed under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: July 2, 1945. Pleas of guilty having been entered on behalf of the corporation and the individual defendant, each defendant was fined \$50 on each of 3 counts.

8524. Adulteration of cookies. U. S. v. United Biscuit Co. of America (Manchester Biscuit Co., division of United Biscuit Co. of America). Plea of guilty. Fine, \$750. (F. D. C. No. 15495. Sample No. 87368-F.)

INFORMATION FILED: June 1, 1945, District of South Dakota, against the United Biscuit Co. of America, a corporation operating under the name of the Manchester Biscuit Co., division of United Biscuit Co. of America, at Sioux Falls, S. Dak.

ALLEGED SHIPMENT: On or about October 7, 1944, from the State of South Dakota into the State of Minnesota.

LABEL, IN PART: "Uncle Jim's Oatmeal Cookie."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: July 9, 1945. A plea of guilty having been entered on behalf of the defendant, a fine of \$750 was imposed.

8525. Adulteration of cookies. U. S. v. Rickerson's Olean Bakery. Plea of guilty. Fine, \$500. (F. D. C. No. 16523. Sample No. 9224-H.)

INFORMATION FILED: August 6, 1945, Western District of New York, against Rickerson's Olean Bakery, a partnership, Olean, N. Y.

ALLEGED SHIPMENT: On or about February 2, 1945, from the State of New York into the State of Pennsylvania.

LABEL, IN PART: "Rickerson's Molasses Cookies."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: September 24, 1945. A plea of guilty having been entered, the defendant was fined \$500.

8526. Adulteration of pies and cakes. U. S. v. Chicago Pie Co. Plea of guilty. Fine, \$50. (F. D. C. No. 16499. Sample Nos. 17352-H, 17354-H, 17357-H to 17359-H, incl.)

LIBEL FILED: July 14, 1945, Northern District of Illinois, against the Chicago Pie Co., a corporation, Chicago, Ill.

ALLEGED SHIPMENT: On or about March 30 and 31, 1945, from the State of Illinois into the State of Wisconsin.

LABEL, IN PART: (Cake) "Devils Food X," "Mocha X," or "Lady Baltimore X." The pies were unlabeled.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent hairs, cat hairs, whole insects, larvae, insect fragments, and rodent excreta pellet fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

DISPOSITION: August 14, 1945. A plea of guilty having been entered on behalf of the defendant, a fine of \$10 on each count, a total fine of \$50, was imposed.

8527. Adulteration of rye wafers (hardtack). U. S. v. 160 Cartons of Rye Wafers (and 3 other seizure actions against rye wafers). Decrees of condemnation and destruction. (F. D. C. Nos. 16951, 16992, 17172, 17173. Sample Nos. 13888-H, 17974-H, 17984-H, 21350-H.)

LIBELS FILED: Between August 11 and September 11, 1945, Northern Districts of Illinois and Ohio, and District of Kansas.

ALLEGED SHIPMENT: Between the approximate dates of July 2 and 24, 1945, by the Ser Baking Co., from Minneapolis, Minn.

PRODUCT: 231 cartons at Chicago, Ill., 8 cartons at Cleveland, Ohio, and 29 cartons at Wichita, Kans., each carton containing 12 ½-pound packages of rye wafers.

LABEL, IN PART: "Gamma [or "Gamla"] Landets Ser-Rye Wafers Made of: Pure Rye, Water and Salt," or "Supreme Swedish Style Rye Knackebrod Crispy Tenderized Wafers."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, weevils, and insects and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: Between September 7 and November 16, 1945. The consignee of the Illinois lots having consented to their immediate destruction, and no claimant having appeared for the other lots, judgments were entered ordering the condemnation and destruction of the product.

8528. Misbranding of fruit cake. U. S. v. 3,741 Cans of Fruit Cake. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15161. Sample No. 24121-H.)

LIBEL FILED: January 29, 1945, Eastern District of Louisiana.

ALLEGED SHIPMENT: Between the approximate dates of September 30 and November 10, 1944, by Emil Luft (Festive Products), from San Antonio, Tex.

PRODUCT: 3,741 cans of fruit cake at New Orleans, La. The product was short-weight, and the ingredient statement was placed inconspicuously on a side panel.

LABEL, IN PART: "From San Antonio Festive Fruit Cake Standard Coffee Company Net Weight One Pound."

NATURE OF CHARGE: Misbranding, Section 403 (e) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear an accurate statement of the quantity of the contents; and, Section 403 (f), the information required by law to appear on the label was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: October 22, 1945. Emil Luft and the Standard Coffee Co., Inc., New Orleans, La., claimants, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to the Standard Coffee Co., Inc., to be relabeled under the supervision of the Food and Drug Administration.

CORN MEAL AND CORN MEAL PRODUCTS*

8529. Adulteration of corn meal. U. S. v. City Mills Co. Plea of nolo contendere. Fine, \$500. (F. D. C. No. 15526. Sample Nos. 35489-F, 35931-F, 35932-F.)

INFORMATION FILED: May 28, 1945, Middle District of Georgia, against the City Mills Co., a corporation, Columbus, Ga.

ALLEGED SHIPMENT: Between the approximate dates of January 12 and February 18, 1944, from the State of Georgia into the State of Alabama.

LABEL, IN PART: "Cimco Self Rising Unbolted Cornmeal," or "Pearce's Water Ground Unbolted Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent excreta fragments, rodent hair fragments, and hair fragments resembling rodent and cat hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: August 24, 1945. A plea of nolo contendere having been entered on behalf of the defendant, a fine of \$500 was imposed.

8530. Adulteration of corn meal. U. S. v. Henderson Roller Mills Co., Inc. Plea of nolo contendere. Fine of \$500 suspended for 2-year probationary period. (F. D. C. No. 14248. Sample Nos. 63703-F, 63706-F to 63708-F, incl.)

INFORMATION FILED: January 17, 1945, Western District of North Carolina, against the Henderson Roller Mills Co., Inc., Monroe, N. C.

ALLEGED SHIPMENT: Between the approximate dates of June 13 and 30, 1944, from the State of North Carolina into the State of South Carolina.

LABEL, IN PART: "Morning Glory Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hair fragments, insects, larvae, and insect fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: October 2, 1945. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$500 but suspended payment, provided that during a period of 2 years the defendant should not be found guilty of further violations of the Federal Food, Drug, and Cosmetic Act.

*See also No. 8546.

8531. Adulteration and misbranding of Fritos (corn meal product). U. S. v. The Frito Co. Plea of guilty. Fine, \$600. (F. D. C. No. 14263. Sample Nos. 61225-F, 61720-F.)

INFORMATION FILED: March 14, 1945, Southern District of Texas, against the Frito Co., Inc., Houston, Tex.

ALLEGED SHIPMENT: On or about May 27 and June 17, 1944, from the State of Texas into the State of Louisiana.

LABEL, IN PART: (Bags) "Fritos * * * Net Wt. 6 Ozs. [or "1½ Ozs."]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, rodent hairs, and insects and insect fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it might have become contaminated with filth.

Misbranding, Section 403 (e) (2), the portion in the bags labeled "6 Ozs." failed to bear a label containing an accurate statement of the quantity of the contents, since the bags contained less than 6 ounces.

DISPOSITION: September 24, 1945. A plea of guilty having been entered on behalf of the defendant, fines of \$250 on each of the 2 counts charging adulteration, and \$100 on the count charging misbranding, were imposed.

8532. Adulteration of Colettes (corn meal product). U. S. v. 22 Cartons of Colettes. Default decree of condemnation and destruction. (F. D. C. No. 13447. Sample No. 62025-F.)

LIBEL FILED: August 30, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about August 5, 1944, by the Flakall Corporation, from South Beloit, Ill.

PRODUCT: 22 30-pound cartons of Colettes at New Orleans, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: August 29, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8533. Adulteration of corn meal. U. S. v. 37 Bags of Corn Meal. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 16636. Sample No. 1007-H.)

LIBEL FILED: June 23, 1945, Southern District of Georgia.

ALLEGED SHIPMENT: On or about December 28, 1944, and April 30, 1945, from Chattanooga, Tenn.

PRODUCT: 25 25-pound bags and 12 50-pound bags of corn meal at Augusta, Ga., in the possession of H. M. Pippin. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent pellets were observed on them. Examination showed that the product contained rodent pellets, rodent hair fragments, and insect fragments.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been stored under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: September 25, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered denatured and delivered to a public institution.

8534. Adulteration of corn meal. U. S. v. 36 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 16763. Sample No. 13943-H.)

LIBEL FILED: June 28, 1945, Western District of Kentucky.

ALLEGED SHIPMENT: On or about October 28, 1944, from Kankakee, Ill.

PRODUCT: 36 100-pound bags of corn meal at Louisville, Ky., in the possession of the Vaughan Grocery Co. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and urine stains were observed on them. Examination showed that the product contained rodent excreta and urine.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: September 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FLOUR

Nos. 8535 to 8555 report actions involving flour that was insect- or rodent-infested, or both. (In those cases in which the time of contamination was known, that fact is stated in the notice of judgment.) In addition, the flour reported in No. 8556 failed to meet the standard for enriched flour.

8535. Adulteration of flour. U. S. v. 57 Bags of Flour. Default decree of condemnation. Product ordered sold. (F. D. C. No. 16395. Sample Nos. 24602-H, 24603-H.)

LIBEL FILED: June 6, 1945, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about January 15 and February 17, 1945, by the Acme Flour Mills Co., from Oklahoma City, Okla.

PRODUCT: 57 100-pound bags of flour at New Orleans, La.

LABEL, IN PART: "Sonny Boy," or "Speed King."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, insect fragments, rodent excreta, and larva fragments.

DISPOSITION: October 25, 1945. No claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be sold on condition that it be denatured and converted by the purchaser, under the supervision of the Food and Drug Administration, into an article that could be used for animal feed or for the distillation of alcohol.

8536. Adulteration of flour. U. S. v. 1,510 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16998. Sample Nos. 24707-H, 24842-H, 24844-H.)

LIBEL FILED: August 7, 1945, Northern District of Florida.

ALLEGED SHIPMENT: On or about March 27 and June 2, 1945, by the H. C. Cole Milling Co., from Memphis, Tenn.

PRODUCT: 1,175 10-pound bags, 196 25-pound bags, 31 50-pound bags, and 108 100-pound bags of flour at Pensacola, Fla.

LABEL, IN PART: "Omega Pure Soft Wheat Flour Enriched [or "Bakers Flour Bleached"]," or "Enriched White Ring Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of weevils and larvae.

DISPOSITION: August 25, 1945. The Pace-Holland Co., Pensacola, Fla., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for denaturing under the supervision of the Food and Drug Administration.

8537. Adulteration of flour. U. S. v. 82 Bags of Flour. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 16886. Sample No. 17466-H.)

LIBEL FILED: July 28, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 16, 1945, by the Bay State Milling Co., from Winona, Minn.

PRODUCT: 82 100-pound bags of flour at Chicago, Ill.

LABEL, IN PART: "Fancy First Clear Boxer Flour Bleached."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of beetles and larvae.

DISPOSITION: September 13, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

8538. Adulteration of flour. U. S. v. 124 Bags of Flour. Default decree of condemnation. Product ordered sold. (F. D. C. No. 16398. Sample No. 24371-H.)

LIBEL FILED: On or about June 12, 1945, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about March 22, 1945, from Greenville, Tex.

PRODUCT: 124 100-pound bags of flour at New Orleans, La., in the possession of the Maloney Warehouse No. 3. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent pellets and urine stains were observed on them. Examination showed that the product contained weevils and larvae.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: September 29, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to be denatured and converted into stock feed, under the supervision of the Food and Drug Administration.

8539. Adulteration of plain flour and macaroni flour. U. S. v. 1,000 Bags of Plain Flour and 100 Bags of Macaroni Flour. Consent decree of condemnation. Products ordered released under bond. (F. D. C. Nos. 15875, 15876. Sample Nos. 29114-H, 29115-H.)

LIBEL FILED: April 9, 1945, Northern District of California.

ALLEGED SHIPMENT: On or about January 31 and February 7, 1945, from Tacoma and Seattle, Wash.

PRODUCT: 1,000 100-pound bags of plain flour and 100 100-pound bags of macaroni flour at Stockton, Calif., in the possession of the California Fireproof Storage & Transfer Co. The products were stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent pellets and urine stains were observed on them. Examination showed that the products contained rodent pellets.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they might have become contaminated with filth.

DISPOSITION: August 6, 1945. H. F. Reilley, Stockton, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered released under bond for segregation and conversion of the unfit portion into stock feed, under the supervision of the Food and Drug Administration.

8540. Adulteration of flour. U. S. v. 74 Bags of Flour. Default decree of condemnation. Product ordered sold. (F. D. C. No. 15191. Sample Nos. 24302-H, 24303-H.)

LIBEL FILED: February 2, 1945, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about December 20, 1944, from Chester, Ill.

PRODUCT: 74 100-pound bags of flour at New Orleans, La., in the possession of Gerde, Newman and Co. The article was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent pellets and urine stains were observed on them. Examination showed that the article contained rodent excreta and urine.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it had become contaminated with filth.

DISPOSITION: October 25, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold on condition that it be denatured for use as animal feed or converted into distilled alcohol, under the supervision of the Food and Drug Administration.

8541. Adulteration of flour. U. S. v. 80 Bags of Flour. Default decree of condemnation. Product ordered sold. (F. D. C. No. 15157. Sample No. 24125-H.)

LIBEL FILED: January 26, 1945, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about November 9, 1945, from Dallas, Tex.

PRODUCT: 80 25-pound bags of flour at New Orleans, La., in the possession of Kohlmann Brothers and Sugarman, Inc. The product was stored under insanitary conditions after shipment. The bags were rodent-gnawed, and rodent pellets and urine stains were observed on them. Examination showed that the product contained rodent excreta pellets and rodent urine.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: September 25, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to be denatured and converted into stock feed, under the supervision of the Food and Drug Administration.

8542. Adulteration of flour. U. S. v. 171 Bags of Flour. Default decree of condemnation. Product ordered sold and denatured. (F. D. C. No. 13925. Sample No. 62026-F.)

LIBEL FILED: October 6, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about July 29, 1944, by the Kansas Milling Co., from Wichita, Kans.

PRODUCT: 171 100-pound bags of flour at New Orleans, La.

LABEL, IN PART: (Tag) "King Loaf * * * Bleach."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and insect fragments.

DISPOSITION: October 25, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold on condition that it be denatured for use as animal feed or converted into distilled alcohol, under the supervision of the Food and Drug Administration.

8543. Adulteration of blended flour. U. S. v. 72 Bags of Flour. Default decree of condemnation. Product ordered sold. (F. D. C. No. 16799. Sample No. 24055-H.)

LIBEL FILED: July 10, 1945, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about July 23, 1943, by the Stein-Hall Manufacturing Co., from Hawthorne, Ill.

PRODUCT: 72 100-pound bags of flour at New Orleans, La. Examination showed that the product contained weevils and larvae.

LABEL, IN PART: "Caradex A Blend of Dextrinized & Malted Cereal Flours Including Rye and Cereal Dextrines."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: October 25, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold on condition that it be denatured by the purchaser so that it could be used as animal feed or in the distillation of alcohol.

8544. Adulteration of pastry flour. U. S. v. 4,000 Bags of Pastry Flour. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 13353. Sample Nos. 52411-F to 52413-F, incl.)

LIBEL FILED: August 17, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about July 15, 1944, by Stratton & Co., from Penacook, N. H.

PRODUCT: 2,000 10-pound bags, 1,600 24½-pound bags, and 400 5-pound bags of pastry flour at Somerville, Mass.

LABEL, IN PART: "Old Homestead Pastry Flour Bleached [or "Fancy Pastry Flour"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect excreta; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: September 5, 1945. Stratton & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as animal feed, under the supervision of the Food and Drug Administration.

8545. Adulteration of pastry flour. U. S. v. 28 Bags of Pastry Flour. Default decree of condemnation and destruction. (F. D. C. No. 16780. Sample No. 22172-H.)

LIBEL FILED: July 2, 1945, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about June 11, 1945, from St. Louis, Mo.

PRODUCT: 28 100-pound bags of cake flour at East St. Louis, Ill., in the possession of the East Side Baking Co. The article was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the article contained rodent excreta.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: October 9, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8546. Adulteration of phosphated flour, self-rising flour, pastry flour, bromated flour, rye flour, whole wheat flour, plain flour, and corn meal. U. S. v. 200 Bags and 21 Bags of Flour (and 6 other seizure actions against flour and corn meal). Decrees of condemnation. Portions of products ordered released under bond; remainder ordered destroyed or delivered to charitable or public institutions, for use as stock feed. (F. D. C. Nos. 16978, 17010, 17203, 17205, 17595, 18202, 18367. Sample Nos. 389-H, 951-H to 953-H, incl., 1302-H to 1305-H, incl., 24073-H to 24077-H, incl., 24706-H, 24708-H, 24843-H.)

LIBELS FILED: Between August 7 and November 9, 1945, Northern and Southern Districts of Florida, and Southern District of Mississippi.

ALLEGED SHIPMENT: Between the approximate dates of February 6 and October 5, 1945, by the Russell Miller Milling Co., from Dallas, Tex., and Alton, Ill.

PRODUCT: 232 100-pound bags, 76 50-pound bags, and 297 25-pound bags of plain flour; 114 100-pound bags of pastry flour; 25 50-pound bags, 286 25-pound bags, 663 10-pound bags, and 9 5-pound bags of self-rising flour; 208 25-pound bags and 103 10-pound bags of phosphated flour; 110 10-pound bags of bromated flour; 6 100-pound bags of whole wheat flour; 8 100-pound bags of rye flour; and 42 25-pound bags and 408 10-pound bags of corn meal at Pensacola, Jacksonville, Sanford, and Miami, Fla., and Greenville and Yazoo City, Miss.

LABEL, IN PART: "Stanard's Reliable Flour Bleached," "Stanard's Royal Patent Cake Flour Bleached," "Enriched American Beauty Phosphated [or "Self-Rising"] Flour," "American Beauty Cake Flour," "White Spray [or "Fluffy"] Pastry Flour," "American Beauty Fancy Cream Corn Meal," "Kyrol High Gluten Bleached Flour Bromated," "Occident Flour Bleached," "Occident 100% Whole Wheat Flour Bromated," or "Pure White [or "Dark Rye"] Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of weevils, larvae, and insects and insect parts.

DISPOSITION: Between August 25 and November 30, 1945. The Pace-Holland Co., Pensacola, Fla., the Brister Grocery Co., Yazoo City, Miss., and the Florida Wholesale Grocery Co., Miami, Fla., having appeared as claimants for the lots of the products at Pensacola, Yazoo City, and Miami, and having consented to the entry of decrees, and no claimants having appeared for the other lots, judgments of condemnation were entered. It was ordered that the lots for which claimants had appeared be released under bond to be denatured for industrial purposes or converted into stock feed, under the supervision of the Federal Security Agency, and that the other lots be destroyed or delivered to charitable or public institutions, for use as stock feed.

8547. Adulteration of phosphated flour. U. S. v. 238 Bags of Phosphated Flour. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 16188. Sample Nos. 22659-H, 22660-H.)

LIBEL FILED: On or about May 17, 1945, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about April 17, 1945, by the Cape County Milling Co., from Jackson, Mo.

PRODUCT: 170 25-pound bags and 68 50-pound bags of phosphated flour at West Helena, Ark.

LABEL, IN PART: "Bleached Calcium Phosphate Added White House Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: September 5, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as stock feed.

8548. Adulteration of rye flour, whole wheat flour, self-rising flour, phosphated flour, and plain flour. U. S. v. 234 Bags of Flour (and 8 other seizure actions against flour). Decrees of condemnation. Portions of the flour ordered released under bond; remainder ordered destroyed or delivered to public institutions. (F. D. C. Nos. 16999, 17080, 17131, 17238, 17298, 17707, 17755, 18138, 18330. Sample Nos. 371-H, 373-H, 4481-H, 4482-H, 4653-H, 13780-H, 13781-H, 14550-H, 14554-H, 14555-H, 24705-H, 24849-H, 24850-H.)

LIBELS FILED: Between August 7 and November 20, 1945, Northern and Southern Districts of Florida, District of New Jersey, Southern District of Mississippi, Western District of Kentucky, Northern District of Ohio, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: Between the approximate dates of March 31 and August 20, 1945, by the Pillsbury Mills, Inc., from Memphis, Tenn., Buffalo, N. Y., Enid, Okla., Springfield, Ill., and Minneapolis, Minn.

PRODUCT: 30 100-pound bags of rye flour at Lorain, Ohio; 130 100-pound bags of plain flour at Philadelphia, Pa.; 250 100-pound bags of whole wheat flour at Louisville, Ky.; 25 100-pound bags of whole wheat flour at Owensboro, Ky.; 126 25-pound bags of phosphated flour at Jacksonville, Fla.; 100 10-pound bags and 110 25-pound bags of phosphated flour, and 235 10-pound bags of self-rising flour at Canton, Miss.; 80 25-pound bags of enriched phosphated flour at Jacksonville, Fla.; 13 100-pound bags of whole wheat flour at Wildwood, N. J.; and 234 100-pound bags of plain flour at Pensacola, Fla.

LABEL, IN PART: "Pillsbury's Pure White [or "Dark"] Rye Flour," "Pillsbury's Best Bakers Patent [or "Fine Ground Whole Wheat," "Fine Whole Wheat Wheat-All," "Best Bake Proved xxxx All Purpose Enriched Phosphated," or "Protector"] Flour," or "Self Rising [or "Phosphated"] Flour Red-Mark."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of weevils, larvae, rodent hairs, insect fragments, beetles, cast skins, and rodent pellets.

DISPOSITION: Between August 25 and December 3, 1945, the Central Bakery, Lorain, Ohio, the Bakers' Merchandise Co., Inc., Philadelphia, Pa., the General Baking Co., Louisville, Ky., Cole Brothers & Fox, Canton, Miss., and the Pace-Holland Co., Pensacola, Fla., claimants for the lots located at Lorain, Philadelphia, Louisville, Canton, and Pensacola, respectively, having consented to the entry of decrees, and no claimants having appeared for the other lots, judgments of condemnation were entered. It was ordered that the lots for which claimants had appeared be released under bond to be denatured or converted into animal feed, under the supervision of the Food and Drug Administration; that certain of the other lots be destroyed; and that the remainder of such other lots be delivered to public institutions, for use as animal feed.

8549. Adulteration of rye flour and plain flour. U. S. v. 38 Bags of Flour (and 2 other seizure actions against flour). Decrees ordering portion of product destroyed; remainder condemned and delivered to public institutions, for use as animal feed. (F. D. C. Nos. 16887, 17406, 17958. Sample Nos. 13992-H, 17885-H, 35671-H.)

LIBEL FILED: Between July 28 and October 17, 1945, Northern District of Illinois, Southern District of Ohio, and Eastern District of Arkansas.

ALLEGED SHIPMENT: Between January 27 and August 21, 1945, by the Standard Milling Co., from Kansas City, Mo., and Minneapolis, Minn.

PRODUCT: 38 100-pound bags, 28 100-pound bags, and 39 100-pound bags of flour at Chicago, Ill., Cincinnati, Ohio, and Pine Bluff, Ark., respectively.

LABEL, IN PART: "Aino Flour Bleached," "Ceresota Dark Rye Flour," or "Bleached Flour Bread King."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of beetles, larvae, and larva fragments.

DISPOSITION: Between September 18 and November 26, 1945. No claimants having appeared to contest the seizures of the Illinois and Arkansas lots,

judgments of condemnation were entered and the flour was ordered delivered to public institutions, for use as animal feed. The consignee of the Ohio lot having consented to the immediate destruction of that lot, judgment was entered ordering its destruction. Destruction was effected by denaturing the product and feeding it to hogs.

8550. Adulteration of rye flour and plain flour. U. S. v. 196 Bags and 25 Bags of Flour. Decrees of condemnation. Portion of product ordered released under bond; remainder ordered destroyed. (F. D. C. Nos. 16867, 17486. Sample Nos. 13998-H, 17882-H to 17884-H, incl.)

LIBELS FILED: July 28 and September 19, 1945, Northern District of Illinois and Southern District of Ohio.

ALLEGED SHIPMENT: On or about May 11 and July 26, 1945, by the Eagle Roller Mill Co., from New Ulm, Minn.

PRODUCT: 196 100-pound bags and 25 100-pound bags of flour at Chicago, Ill., and Dayton, Ohio, respectively.

LABEL, IN PART: "Gold Coin Special," "Gold Coin Pure * * * Rye Flour," or "Eagle Ry-Batch Dark * * * Rye Flour and Natural High Gluten Spring Clear Bleached."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of beetles, larvae, and insect fragments.

DISPOSITION: September 21 and October 27, 1945. Pivaronas Brothers, Inc., Chicago, Ill., having appeared as claimant for the Chicago lot and having admitted the facts set forth in the libel, and no claimant having appeared for the Dayton lot, judgments of condemnation were entered and it was ordered that the Chicago lot be released under bond for sale as farm feed, under the supervision of the Food and Drug Administration, and that the Dayton lot be destroyed.

8551. Adulteration of rye flour, cone flour, durum patent flour, and plain flour. U. S. v. 27 Bags of Flour (and 4 other seizure actions against flour). Decrees of condemnation. Portions of products ordered released under bond; remainder ordered converted into stock feed or destroyed. (F. D. C. Nos. 17071, 17144, 17169, 17465, 17477. Sample Nos. 13749-H, 13753-H, 13996-H, 13997-H, 14522-H, 32212-H.)

LIBELS FILED: Between July 30 and September 19, 1945, District of Arizona and Northern and Southern Districts of Ohio.

ALLEGED SHIPMENT: Between the approximate dates of February 20 and July 16, 1945, by General Mills, Inc., from Ogden, Utah, Minneapolis, Minn., Chicago, Ill., and Spokane, Wash.

PRODUCT: 27 50-pound bags of flour at Phoenix, Ariz., 104 100-pound bags of flour at Canton, Ohio, 137 100-pound bags of flour at Cleveland, Ohio, and 95 100-pound bags and 51 100-pound bags of flour at Dayton, Ohio.

LABEL, IN PART: "Washburn Crosby Washburn's Gold Medal Flour Enriched," "Pure Rye [or "Pure * * * Rye"] Washburn Crosby Gold Medal Flour," "Gold Medal Iron Duke First Clear [or "Durum Patent"] Flour," or "Kay Eight Cone Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent pellet fragments, beetles, and larvae.

DISPOSITION: On September 13, 1945, the Noss Pretzel & Cone Co., Cleveland, Ohio, claimant, having admitted the facts as set forth in the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be disposed of in compliance with the law, under the supervision of the Food and Drug Administration. Between July 30 and October 26, 1945, the consignee of the Dayton lot of 95 bags having consented to the immediate destruction of the product in that lot, and no claimant having appeared for the remainder of the product, judgments were entered condemning the product and ordering it destroyed or converted into stock feed.

8552. Adulteration of self-rising flour. U. S. v. 178 Bags of Self-Rising Flour. Default decree of condemnation and destruction. (F. D. C. No. 16660. Sample No. 643-H.)

LIBEL FILED: July 3, 1945, Northern District of Georgia.

ALLEGED SHIPMENT: On or about February 28, 1945, from White Water, Kans.

PRODUCT: 178 50-pound bags of self-rising flour at Winder, Ga., in the possession of the Jones Grocery Co. The product was stored under insanitary condi-

tions after shipment. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the product had been contaminated with urine.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 23, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8553. Adulteration of self-rising flour. U. S. v. 245 Bags of Flour. Consent decree of condemnation. Product ordered released under bond.
(F. D. C. No. 16662. Sample Nos. 641-H, 642-H.)

LIBEL FILED: July 2, 1945, Northern District of Georgia.

ALLEGED SHIPMENT: On or about November 6, 1944, and February 12, 1945, from Newton and Inman, Kans.

PRODUCT: 245 50-pound bags of self-rising flour at Lawrenceville, Ga., in the possession of Alford Bros. The article was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the article contained rodent excreta.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: September 11, 1945. Alford Bros., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the purpose of segregating and converting the unfit portion into stock feed, under the supervision of the Federal Security Agency.

8554. Adulteration of whole wheat flour and plain flour. U. S. v. 212 Bags of Flour (and 2 other seizure actions against flour). Decrees of condemnation. Portions of products ordered released under bond; remainder ordered destroyed or delivered to public institutions, for use as animal feed.
(F. D. C. Nos. 16898, 17054, 17225. Sample Nos. 798-H, 9446-H, 23776-H.)

LIBELS FILED: Between July 23 and September 20, 1945, Western District of Louisiana, Middle District of Georgia, and Western District of New York.

ALLEGED SHIPMENT: Between the approximate dates of October 21, 1944, and July 20, 1945, from Greenville, Tex., Davenport, Iowa, and New Prague, Minn., by the International Milling Co.

PRODUCT: 212 100-pound bags, 170 100-pound bags, and 67 100-pound bags of flour at Shreveport, La., Thomasville, Ga., and Buffalo, N. Y., respectively.

LABEL, IN PART: "Golden Prancer Flour," "Robin Hood Medium Whole Wheat Flour," or "Staten Island * * * Extra Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the flour consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and webbing.

DISPOSITION: Between September 24 and October 15, 1945. The Flowers Baking Co., Inc., Thomasville, Ga., having appeared as claimant for the Georgia lot and having consented to the entry of a decree, and no claimant having appeared for the other lots, judgments of condemnation were entered. It was ordered that the Georgia lot be released under bond to be converted into animal feed, under the supervision of the Federal Security Agency; that the Louisiana lot be delivered to a public institution, for use as animal feed; and that the New York lot be destroyed.

8555. Adulteration of whole wheat flour. U. S. v. 18 Bags and 31 Bags of Whole Wheat Flour. Default decrees of condemnation and destruction.
(F. D. C. Nos. 16974, 17399. Sample Nos. 13972-H, 13990-H.)

LIBELS FILED: August 2 and 31, 1945, Southern District of Ohio.

ALLEGED SHIPMENT: April 28 and June 20, 1945, by the Larabee Flour Mills Co., from Kansas City, Mo., and Clinton, Mo.

PRODUCT: 49 100-pound bags of flour at Cincinnati, Ohio.

LABEL, IN PART: "Whole Wheat Flour High Protein Fine Granulated," or "Larabee's Whole Wheat Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect fragments.

DISPOSITION: September 18 and 19, 1945. The consignee of the 31-bag lot having consented to its immediate destruction, and no claimant having appeared for the other lot, judgments were entered ordering the condemnation and destruction of the product. Destruction was effected by delivery of the product for use as animal feed.

8556. Adulteration and misbranding of enriched flour. U. S. v. 28 Bags of Enriched Flour. Default decree of condemnation and destruction. (F. D. C. No. 16765. Sample No. 24415-H.)

LIBEL FILED: June 29, 1945, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about May 31, 1945, by the Bewley Mills, from Fort Worth, Tex.

PRODUCT: 28 100-pound bags of enriched flour at New Orleans, La.

LABEL, IN PART: "Enriched Anchor Hard Wheat Flour Bleached."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, thiamine (vitamin B₁) and iron, had been in part omitted from the article.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for enriched flour, since it contained approximately 1.17 milligrams of thiamine and 10.4 milligrams of iron per pound. The regulations require that enriched flour shall contain in each pound not less than 2 milligrams of thiamine and not less than 13 milligrams of iron.

DISPOSITION: September 29, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS CEREAL PRODUCTS*

8557. Adulteration of corn grits. U. S. v. 18 Bags of Grits. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 16667. Sample No. 645-H.)

LIBEL FILED: July 3, 1945, Western District of South Carolina.

ALLEGED SHIPMENT: On or about November 30, 1944, from Decatur, Ill.

PRODUCT: 18 100-pound bags of corn grits at Greenwood, S. C., in the possession of the Hartley Grocery Co. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the product had been contaminated with urine.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: August 13, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution, for use as cattle or poultry feed if found suitable for that purpose; if not, it was to be destroyed.

8558. Adulteration of popcorn. U. S. v. 249 Cases of Popcorn (and 1 other seizure action against popcorn). Consent decree of condemnation. Portion of product ordered destroyed; remainder ordered released under bond. (F. D. C. Nos. 16168, 16746. Sample Nos. 10093-H, 10094-H, 18025-H, 18026-H.)

LIBELS FILED: May 23 and June 27, 1945, Northern District of Illinois and Middle District of Pennsylvania.

ALLEGED SHIPMENT: Between the approximate dates of February 9 and March 13, 1945, by the Hart and Howell Co., from Brooklyn, Mich.

PRODUCT: 249 cases, each containing 24 cans, of popcorn at Altoona, Pa.; and 522 cases, each containing 24 cartons, and 18 cases, each containing 29 cartons, of popcorn at Chicago, Ill.

LABEL, IN PART: (Cans and cartons) "Gloria Jean Golden Mushroom Pop Corn," or "Corn Sure Pop."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of

*See also No. 8611.

moldy and decomposed kernels. The Chicago lot, in addition to containing evidence of decomposition, consisted in whole or in part of a filthy substance by reason of the presence of live insects and insect-damaged kernels.

DISPOSITION: On September 24, 1945, an order was entered in the District Court for the Middle District of Pennsylvania, consolidating the action instituted in that district with the action instituted in the Northern District of Illinois. On September 28, 1945, the Hart and Howell Co., claimant, having admitted the facts alleged in the libels, judgment of condemnation was entered and it was ordered that portions of the product be destroyed and that the remainder be released under bond to be salvaged and reprocessed under the supervision of the Food and Drug Administration.

8559. Adulteration of popcorn. U. S. v. 238 Bags of Popcorn (and 2 other seizure actions against popcorn). Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 15696, 16196. Sample Nos. 6911-H, 18719-H.)

LIBELS FILED: Between March 30 and July 10, 1945, District of Minnesota and Northern District of New York.

ALLEGED SHIPMENT: Between the approximate dates of January 25 and March 20, 1945, by Manley, Inc., from Lakeview, Iowa.

PRODUCT: 238 100-pound bags of popcorn at St. Paul, Minn., and 800 100-pound bags, 231½ 100-pound bags, and 1 barrel of popcorn at Binghamton, N. Y. Examination showed that the product contained rodent excreta pellets, rodent hairs, and rodent hair fragments.

LABEL, IN PART: "Manley's Best Pop Corn Jumbo South American."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: August 25 and September 26, 1945. Manley, Inc., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law by cleaning, renovating, and sorting under the supervision of the Federal Security Agency.

8560. Adulteration of rice. U. S. v. 20 Bags of Rice. Default decree of condemnation. Product ordered delivered to a public institution, for use as stock feed. (F. D. C. No. 16360. Sample No. 1006-H.)

LIBEL FILED: June 16, 1945, Southern District of Georgia.

ALLEGED SHIPMENT: On or about January 8, 1945, by the Thomas and Howard Co., from Allendale, S. C.

PRODUCT: 20 100-pound bags of rice at Augusta, Ga.

LABEL, IN PART: "O'Henry Supreme Extra Fancy Blue Rose Rice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect fragments.

DISPOSITION: September 25, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered denatured and delivered to a public institution, for use as stock feed.

8561. Adulteration of rice. U. S. v. 21 Bags of Rice. Default decree of condemnation and destruction. (F. D. C. No. 13333. Sample No. 35298-F.)

LIBEL FILED: August 17, 1944, Southern District of Florida.

ALLEGED SHIPMENT: On or about December 28, 1943, from Houston, Tex.

PRODUCT: 21 100-pound bags of rice at Tampa, Fla., in the possession of the Gulf Florida Terminal Co., Inc. The product was stored under insanitary conditions after shipment. The bags were rodent-gnawed, and rodent pellets and urine stains were observed on them. Examination showed that the product had been contaminated with urine, and that it contained rodent hair fragments, larvae, pupae, and insect fragments.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: October 23, 1945. The sole intervener having withdrawn its claim, judgment of condemnation was entered and the product was ordered destroyed.

8562. Adulteration of rice. U. S. v. 97 Bags of Rice. Default decree of condemnation and destruction. (F. D. C. No. 15867. Sample No. 16812-H.)

LABEL FILED: April 11, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 14, 1944, by L. A. Black, from DeWitt, Ark.

PRODUCT: 97 100-pound bags of rice at Chicago, Ill.

LABEL, IN PART: "L. A. Black's Genuine Extra Fancy Blue Rose Rice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta pellets and rodent hair fragments.

DISPOSITION: July 3, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CANDY

8563. Adulteration of candy. U. S. v. American Licorice Co. Plea of guilty. Fine, \$800 and costs. (F. D. C. No. 15529. Sample Nos. 50987-F, 77679-F, 78062-F, 78081-F, 85014-F.)

INFORMATION FILED: June 8, 1945, Northern District of Illinois, against the American Licorice Co., a corporation, Chicago, Ill.

ALLEGED SHIPMENT: Between the approximate dates of July 24 and August 12, 1944, from the State of Illinois into the State of Pennsylvania.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect fragments, weevils, insects, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: September 27, 1945. A plea of guilty having been entered on behalf of the defendant, a fine of \$800 and costs was imposed.

8564. Adulteration of candy. U. S. v. Bobs Candy and Peanut Co., and Mac Torbett. Pleas of nolo contendere. Each defendant fined \$300. (F. D. C. No. 16520. Sample Nos. 63941-F, 64203-F, 64209-F.)

INFORMATION FILED: August 6, 1945, Middle District of Georgia, against Bobs Candy and Peanut Co., a partnership, and Mac Torbett, plant manager, Albany, Ga.

ALLEGED SHIPMENT: On or about October 16 and 20 and November 4, 1944, from the State of Georgia into the States of Florida and Alabama.

LABEL, IN PART: "Bobs Cocoanut Soldier 5¢."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of whole storage larvae, pupae, and adult insects, mites, storage insect fragments, rodent hair fragments, insect body fragments, fly fragments, and a rodent excreta fragment; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: August 24, 1945. Pleas of nolo contendere having been entered on behalf of both defendants, the court imposed a fine of \$100 against each defendant on each of 3 counts, a total fine of \$300 for each defendant.

8565. Adulteration of candy. U. S. v. Calton Heckerman. Plea of nolo contendere. Fine, \$150 and costs. (F. D. C. No. 15564. Sample No. 68740-F.)

INFORMATION FILED: July 10, 1945, Western District of Pennsylvania, against Calton Heckerman, Bedford, Pa.

ALLEGED SHIPMENT: On or about September 28, 1944, from the State of Pennsylvania into the State of Ohio.

LABEL, IN PART: (Boxes) "Fort Bedford Brand Fine Candy * * * De Lux Bars"; (wrappers) "Heckerman's De Lux Bar."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, whole pellets of rodent excreta, fragments of rodent excreta, and rodent hairs.

DISPOSITION: October 17, 1945. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$150 and costs.

8566. Adulteration of candy. U. S. v. Hardie Brothers Co., and Alexander Hardie.
Pleas of guilty. Corporation fined \$75; individual fined \$3. (F. D. C.
No. 16526. Sample Nos. 75685-F, 90911-F, 92951-F.)

INFORMATION FILED: August 9, 1945, Western District of Pennsylvania, against the Hardie Brothers Co., a corporation, Pittsburgh, Pa., and Alexander Hardie, director and factory manager.

ALLEGED SHIPMENT: Between the approximate dates of December 6 and 9, 1944, from the Commonwealth of Pennsylvania into the States of Ohio, Kentucky, and Maryland.

LABEL, IN PART: "Nora-Lee Nut Fondant," "Yuletide Mixture," or "Sugar Jelly Stars."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: October 8, 1945. Pleas of guilty having been entered on behalf of the defendants, the corporation was fined \$75, and the individual was fined \$3.

8567. Adulteration of candy. U. S. v. 28 Cartons of Candy. Default decree of condemnation and destruction. (F. D. C. No. 16658. Sample No. 7087-H.)

LIBEL FILED: June 28, 1945, Eastern District of New York.

ALLEGED SHIPMENT: On or about May 23, 25, and 29, 1945, by the Phoebe Phelps Caramel Co., from Boston, Mass.

PRODUCT: 28 cartons, each containing 36 1-pound tins, of candy at Long Island City, N. Y.

LABEL, IN PART: "Huyler's Since 1876 Caramels * * * vanilla and chocolate flavored chewy caramels."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, wood splinters, and fragments of metal, paint, and dirt; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: September 18, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8568. Adulteration of candy. U. S. v. 36 Cartons of Candy. Default decree of condemnation and destruction. (F. D. C. No. 16948. Sample No. 23621-H.)

LIBEL FILED: August 1, 1945, Southern District of Texas.

ALLEGED SHIPMENT: On or about June 19, 1945, from Chattanooga, Tenn., by the Brock Candy Co.

PRODUCT: 36 cartons of candy at Houston, Tex.

LABEL, IN PART: (Cartons) "120 Crystal Jelly Drops Net Count."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted of a filthy substance in that it contained rodent hair fragments, weevils, insect fragments, and wood fragments.

DISPOSITION: September 13, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8569. Adulteration and misbranding of candy. U. S. v. 30 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 15322. Sample No. 6084-H.)

LIBEL FILED: On or about March 7, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about February 5, 1945, by the Waldies Chocolate Co., Inc., from New York, N. Y.

PRODUCT: 30 boxes, each containing 24 1¼-ounce bars, of candy at Passaic, N. J.

LABEL, IN PART: "A New Taste Thrill! Cocoanut Candy * * * Ingredients: Sugar, Corn Syrup, Cocoanut, Creme of Maize, Chocolate, Artificial Flavor."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a chocolate-coated candy bar containing a filling most of which was corn flakes, with a small amount of coconut, had been substituted in whole or in part for coconut candy.

Misbranding, Section 403 (a), the label statement, "Cocoanut," was false and misleading as applied to the article; and, Section 403 (i) (2), the label

failed to bear the common or usual name of each ingredient, since "Creme of Maize" is not the common or usual name of corn flakes.

DISPOSITION: July 6, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8570. Adulteration and misbranding of candy. U. S. v. 204 Boxes of Candy. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 16320. Sample No. 249-H.)

LIBEL FILED: June 6, 1945, Western District of South Carolina.

ALLEGED SHIPMENT: On or about May 10, 1945, by the Holshouser Candy Co., from Charlotte, N. C.

PRODUCT: 204 boxes, each containing 30 bars, of candy at Chester, S. C. Examination revealed the presence of puffed cereal grains in this product, although the surface appeared to contain, mostly, peanuts. The product was short-weight.

LABEL, IN PART: "Holshouser's Peanut Bar 5¢ Net Weight 1¼ Ozs."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture containing peanuts and puffed wheat had been substituted for "Peanut Bar," which the article was represented to be.

Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: August 1, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 8571 to 8575; that was below the standard for milk fat content, Nos. 8576 to 8580; and that was short of the declared weight, No. 8578.

8571. Adulteration of butter. U. S. v. Swift and Co. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 15553. Sample Nos. 85872-F, 85873-F.)

INFORMATION FILED: June 22, 1945, District of Colorado, against Swift and Co., a corporation, trading at Denver, Colo.

ALLEGED SHIPMENT: On or about October 17 and 18, 1944, from the State of Colorado into the State of Wyoming.

LABEL, IN PART: "Swifts Brookfield Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect parts, rodent hairs, hair similar to rodent hair, colored fiber, and nondescript dirt; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: October 24, 1945. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$50 on each count, a total fine of \$100.

8572. Adulteration of butter. U. S. v. Farmer's Union Cooperative Creamery. Plea of guilty. Fine, \$100. (F. D. C. No. 15539. Sample No. 69347-F.)

INFORMATION FILED: June 12, 1945, District of Montana, against the Farmer's Union Cooperative Creamery, a corporation, Billings, Mont.

ALLEGED SHIPMENT: On or about June 27, 1944, from the State of Montana into the State of Washington.

LABEL, IN PART: "Butter * * * Consolidated Dairy Products Seattle Washington."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, plant tissues, nondescript dirt, plant fibers, and sand; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: July 25, 1945. A plea of guilty having been entered on behalf of the defendant, a fine of \$100 was imposed.

8573. Adulteration of butter. U. S. v. 97 68-Pound Cubes of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16728. Sample No. 26151-H.)

LABEL FILED: June 27, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about June 18, 1945, by Plains Cooperative, Inc., from Plainview, Tex.

PRODUCT: 97 68-pound cubes of butter at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, and feather barbules.

DISPOSITION: October 11, 1945. Plains Cooperative, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

8574. Adulteration of butter. U. S. v. 15 Boxes (1,020 pounds) of Butter. Default decree of condemnation. Product ordered sold. (F. D. C. No. 16732. Sample No. 29709-H.)

LABEL FILED: June 26, 1945, Northern District of California.

ALLEGED SHIPMENT: On or about May 30, 1945, by the Milk Producers Association of Central California, from Fallon, Nev.

PRODUCT: 15 68-pound boxes of butter at Modesto, Calif. Examination showed that the product contained rodent hairs.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: September 18, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold, to be disposed of only in compliance with the law.

8575. Adulteration of butter. U. S. v. 2 Cartons of Butter (and 1 other seizure action against butter). Default decree of condemnation and destruction. (F. D. C. Nos. 16734, 17068. Sample Nos. 4255-H, 5754-H.)

LABELS FILED: June 27 and July 2, 1945, District of New Jersey and Northern District of New York.

ALLEGED SHIPMENT: Between the approximate dates of June 6 and 13, 1945, by the Paul A. Schulze Co., St. Louis, Mo.

PRODUCT: 2 cartons, each containing 30 1-pound prints, and 16 1-pound prints of butter at Albany, N. Y., and 10 30-pound cases and 1 24-pound case of butter at Trenton, N. J. Analysis showed that the product contained mold.

LABEL, IN PART: "Clover Springs Brand Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed substance.

DISPOSITION: August 20 and October 11, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

8576. Adulteration of butter. U. S. v. The Hartley Creamery. Plea of guilty. Fine, \$300 and costs. (F. D. C. No. 16545. Sample Nos. 65779-F, 93638-F, 5643-H, 5647-H.)

INFORMATION FILED: September 15, 1945, Northern District of Iowa, against the Hartley Creamery, a partnership, Hartley, Iowa.

ALLEGED SHIPMENT: On or about September 8 and December 6, 1944, and January 2 and 13, 1945, from the State of Iowa into the State of New York.

LABEL, IN PART: "64 lbs. Net—Bulk Butter Distributed by Deutschman Marshall & Co. [or "J. O. Marshall Draper-Valley Distributors, Inc."] New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent of the article, milk fat, had been in part omitted or abstracted from it; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 18, 1945. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$75 on each count, a total fine of \$300 and costs.

8577. Adulteration of butter. U. S. v. Beatrice Creamery Co. (Blue Valley Creamery Co.). Plea of guilty. Fine, \$200 and costs. (F. D. C. No. 15576. Sample Nos. 75552-F, 75553-F, 75556-F, 75557-F.)

INFORMATION FILED: August 14, 1945, District of Kansas, against the Beatrice Creamery Co., a corporation trading under the name Blue Valley Creamery Co., Parsons, Kans.

ALLEGED SHIPMENT: On or about July 13, 1944, from the State of Kansas into the State of Pennsylvania.

LABEL, IN PART: (Portion) "Meadow * * * Gold Butter."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 2, 1945. A plea of guilty having been entered on behalf of the defendant, a fine of \$200 and costs was imposed.

8578. Adulteration and misbranding of butter. U. S. v. United Farmers Cooperative Creamery Association, Inc. Plea of nolo contendere. Fine, \$200. (F. D. C. No. 15521. Sample No. 88272-F.)

INFORMATION FILED: June 25, 1945, District of Vermont, against the United Farmers Cooperative Creamery Association, Inc., Morrisville, Vt.

ALLEGED SHIPMENT: On or about August 29, 1944, from the State of Vermont into the State of Massachusetts.

LABEL, IN PART: "United Farmers' Fancy Creamery Butter One Pound Net Weight."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Section 403 (e) (2), the label failed to bear an accurate statement of the quantity of the contents, since the cartons bore the statement "One Pound Net Weight," but contained less than 1 pound.

DISPOSITION: July 18, 1945. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100 on each of the 2 counts.

8579. Adulteration of butter. U. S. v. 82 63-Pound Cartons of Butter (and 2 other seizure actions against butter). Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 16674, 16733, 17111. Sample Nos. 5698-H to 5700-H, incl., 7048-H, 7074-H.)

LIBELS FILED: On or about June 6 and 19, 1945, Eastern District of New York.

ALLEGED SHIPMENT: Between the approximate dates of February 1 and March 3, 1945, by the O. G. Harp Poultry & Egg Co., from Shawnee, Okla.

PRODUCT: 376 cartons, each containing about 63 pounds, of butter at Brooklyn, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: August 10, 1945. The cases having been consolidated, and the O. G. Harp Poultry & Egg Co., claimant, having admitted the allegations of the libels, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

8580. Adulteration of butter. U. S. v. 11 Cubes (572 pounds) of Butter (and 1 other seizure action against butter). Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 16737, 17379. Sample Nos. 11276-H, 11562-H, 11920-H.)

LIBELS FILED: June 25 and July 30, 1945, District of Massachusetts.

ALLEGED SHIPMENT: On or about June 3 and July 19, 1945, by the New England Dairies, Inc., from Concord, Vt.

PRODUCT: 11 52-pound cubes and 19 32-pound cases of butter at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: July 30 and August 31, 1945. The New England Dairies, Inc., Boston, Mass., claimant, having consented to the entry of decrees, judgments

of condemnation were entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

CHEESE AND MILK*

8581. Adulteration of cheese. U. S. v. Central Avenue Dairy, Inc. Plea of nolo contendere. Fine, \$750 on count 1; imposition of sentence suspended on counts 2 and 3, and defendant placed on probation for 2 years. (F. D. C. No. 15541. Sample Nos. 74212-F, 74213-F, 74217-F.)

INFORMATION FILED: June 13, 1945, District of Arizona, against the Central Avenue Dairy, Inc., Phoenix, Ariz.

ALLEGED SHIPMENT: Between the approximate dates of August 26 and 29, 1944, from the State of Arizona into the State of California.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of wood fragments, brown particles, cotton fibers, cow hairs, straw fragments, insect parts and fragments, and rodent hairs; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: September 17, 1945. A plea of nolo contendere having been entered on behalf of the defendant, a fine of \$750 was imposed on count 1. On counts 2 and 3, the imposition of sentence was suspended and the defendant was placed on probation for 2 years.

8582. Adulteration of cheese. U. S. v. 547 Loaves of Romano Cheese. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16493. Sample No. 17454-H.)

LIBEL FILED: On or about July 6, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about May 27 and June 3, 1945, by the Bravo Cheese Factory, from Pullman, Mich.

PRODUCT: 547 16-pound loaves of Romano cheese at Chicago, Ill.

LABEL, IN PART: "Romano E."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, cat hairs, insect fragments, manure, and nondescript dirt; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: September 5, 1945. The Ehrat Cheese Co., Inc., Chicago, Ill., claimant, having admitted the facts of the libel, judgment of condemnation was entered and the product was ordered released under bond for conversion into stock feed, under the supervision of the Food and Drug Administration.

8583. Misbranding of grated cheese. U. S. v. 68¹¹/₁₂ Cases of Grated Cheese. Default decree of condemnation and destruction. (F. D. C. No. 15866. Sample No. 28181-H.)

LIBEL FILED: May 21, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about February 2, 1945, by the Armada Food Products Co., Inc., from Chicago, Ill.

PRODUCT: 68¹¹/₁₂ cases, each containing 24 2-ounce jars, of grated cheese at Seattle, Wash. Analysis showed that the article consisted of grated cheese, soybean meal, salt, and defatted milk solids (dried skim milk).

LABEL, IN PART: "Armada Tasty Italian Type Sharp Grated Cheese."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements, "Tasty Italian Type Sharp Grated Cheese * * * A Product of Whole Milk and Extra Skim Milk Solids * * * This Sharp Italian Cheese is Especially Selected for Your Protection," were false and misleading as applied to a mixture of grated cheese, soybean meal, salt, and defatted milk solids; and, Section 403 (i) (2), its label failed to bear the common or usual name of each ingredient.

DISPOSITION: September 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

*See also No. 8516.

8584. Misbranding of Limburger cheese. U. S. v. 1 Case of Limburger Cheese. Default decree of condemnation and destruction. (F. D. C. No. 16364. Sample No. 5742-H.)

LIBEL FILED: On or about June 13, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about April 5, 1945, by Joe Schmid, from Beaver Dam, Wis.

PRODUCT: 1 case of 60 bricks of Limburger cheese at Jersey City, N. J.

LABEL, IN PART: (Wrapper) "Finest Quality June Dairy Limburger Cheese
* * * This is not a packaged cheese of guaranteed weight. The net weight must be determined by weighing at the time of sale."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product was food in package form and its label failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: October 8, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8585. Misbranding of cocktail spreads. U. S. v. 622 Cases of Cocktail Spreads. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 16691. Sample Nos. 10252-H, 10291-H, 10310-H, 10311-H.)

LIBEL FILED: July 17, 1945, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 24, May 1, and June 8, 1945, by the Borden Cheese Co., from Buffalo, N. Y.

PRODUCT: 288 cases of pimento cocktail spread, 48 cases of relish cocktail spread, 50 cases of smokey cheese cocktail spread, and 236 cases of olive pimento cocktail spread at Pittsburgh, Pa. Each case contained 24 5-ounce jars. Examination showed that the pimento, olive pimento, and relish cocktail spreads contained, among other things, phosphoric acid and dextrose; and that the smokey cheese cocktail spread contained, among other things, pyroligneous acid.

LABEL, IN PART: (Jars) "Borden's Pimento [or "Olive Pimento," or "Relish"] Cocktail Spread Net Wt. 5 Oz. * * * Cream, Pimentos, [or "Olive and Pimentos," or "Sweet Relish and Pimentos"] Non-fat Dry Milk and Whey Solids, Sugars, Vinegar, Salt, Organic Acid, Vegetable Gum and Vegetable Coloring," or "Borden's Smokey Cheese Cocktail Spread Net Wt. 5 Oz. * * *
Ingredients: Process Aged Cheddar Cheese, Cream, Salt, Hickory Wood Distillate and Vegetable Coloring."

NATURE OF CHARGE: Misbranding, Section 403 (a), the statement "Organic Acid" on the labels of the pimento, olive pimento, and relish spreads was false and misleading as applied to phosphoric acid, which is an inorganic acid; and, Section 403 (f), the name and place of business of the manufacturer, packer, or distributor, and the common or usual name of each ingredient of the articles, required by law to appear on the labels, were not prominently placed thereon and printed with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use, since the ingredient statement appeared quite inconspicuously around the borders of the labels, and the name and address of the manufacturer was printed inconspicuously in small white type on a yellow background.

Further misbranding (pimento, olive pimento, and relish spreads), Section 403 (i) (2), the labels failed to bear the common or usual name of each ingredient, since the name "Sugars" is not the common or usual name for dextrose, "Organic Acid" is not the common or usual name for phosphoric acid, and (smokey cheese spread) "Hickory Wood Distillate" is not the common or usual name for pyroligneous acid.

DISPOSITION: November 5, 1945. The Borden Co., the sole intervener in the case, having indicated that it did not propose to file an answer or exceptions to the libel, judgment of condemnation was entered and the products were ordered delivered to a charitable institution.

8586. Misbranding of nonfat dry milk solids. U. S. v. Blue Moon Foods, Inc. Plea of nolo contendere. Fine, \$300. (F. D. C. No. 15545. Sample No. 76074-F.)

INFORMATION FILED: June 6, 1945, Western District of Wisconsin, against the Blue Moon Foods, Inc., a corporation, Thorp, Wis.

ALLEGED SHIPMENT: On or about July 6, 1944, from the State of Wisconsin into the State of New York.

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product purported to be nonfat dry milk solids or defatted milk solids, a food for which a definition and standard of identity has been prescribed by the regulations, but it failed to conform to such definition and standard since it was not made from sweet milk of cows but was made from neutralized sour skim milk; and, Section 403 (g) (2), it further failed to conform to the definition and standard of identity since its label failed to bear the name of the food specified in the definition and standard, i. e., nonfat dry milk solids or defatted milk solids.

DISPOSITION: July 16, 1945. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$300.

FEEDS AND GRAINS

8587. Action to enjoin and restrain the interstate shipment of alfalfa meal and alfalfa leaf meal. U. S. v. Saunders Mills, Inc., Clarence M. Saunders, and Evelyn M. Crow. Consent decree granting permanent injunction against Saunders Mills, Inc. Action dismissed with respect to individual defendants. (Inj. No. 66.)

COMPLAINT FILED: June 9, 1944, Southern District of Ohio, against the Saunders Mills, Inc., Toledo, Ohio, and Clarence M. Saunders, president, and Evelyn M. Crow, treasurer, of the corporation; amended December 30, 1944.

NATURE OF CHARGE: That since on or about August 4, 1941, the defendants had been manufacturing, preparing, distributing, and delivering, and causing to be manufactured, prepared, distributed, and delivered for shipment in interstate commerce quantities of alfalfa meal and alfalfa leaf meal which contained a smaller amount of protein and a larger amount of crude fiber than was declared on the labels;

That the defendant corporation had been subjected to criminal prosecution for violation of the Federal Food, Drug, and Cosmetic Act, and on October 12, 1942, had entered a plea of guilty to an information charging such violation; and that on April 30, 1943, the defendant entered a plea of nolo contendere to an information containing similar charges;

That on September 11, 1941, a libel was filed against a quantity of alfalfa leaf meal and alfalfa meal shipped by the defendant corporation; and that on October 30, 1941, a decree was entered based upon an admission of the allegations of the libel on behalf of the corporation;

That prior to the enactment of the Federal Food, Drug, and Cosmetic Act, four criminal prosecutions were brought against this firm under the Federal Food and Drugs Act of 1906; and that in three instances the defendant entered a plea of nolo contendere and in one instance a plea of guilty.

PRAYER OF COMPLAINT: That a temporary restraining order issue; that after due proceedings a preliminary injunction be granted; and that after further appropriate proceedings a permanent injunction issue restraining the defendants from introducing and causing the introduction into interstate commerce of alfalfa products which were misbranded.

DISPOSITION: November 30, 1944. A motion was filed on behalf of the corporation to strike various allegations from the complaint. On December 7, 1944, the court handed down the following memorandum opinion sustaining the defendant's motion in part and overruling it in part:

FRANK L. KLOEB, *District Judge*: "This is an action brought by the plaintiff for the purpose of obtaining an injunction restraining the defendants from violating the provisions of the Federal Food, Drug, and Cosmetic Act by placing in interstate commerce alfalfa meal products which are alleged to be misbranded. The defendant corporation has filed a motion to strike certain allegations of the complaint on the ground that the same are 'redundant, immaterial and impertinent to the cause of action,' and the individual defendants have filed a similar motion to strike the same allegations on the ground that they are 'redundant, immaterial and impertinent as to each of said defendants.'

"The matters sought to be stricken are recitals of criminal proceedings, condemnation proceedings and the results thereof, brought against the defendant corporation. The complaint alleges that, as to the criminal proceedings, pleas of guilty were entered at various times, and in one instance a plea of nolo contendere. It is alleged that, in one condemnation proceeding, the defendant admitted the allegations of the libel. The defendants contend that 'an adjudication in a criminal case is not an adjudication in a civil action concerning the same transaction,' and that a plea of nolo contendere is limited to the case in which it is made, is not an admission for any other purpose, and

a judgment rendered thereon is not an adjudication for any other purpose. The plaintiff admits that this latter contention of the defendants is probably well taken.

"As to the various pleas of guilty, and the admission of the allegations of the libel in the condemnation suit, it is to be noted that such allegations are certainly relevant and material. The real objection to them is that they constitute a pleading of evidentiary facts rather than ultimate facts. While it is true that a judgment in a criminal prosecution cannot be received in evidence in a civil action to establish the truth of the facts on which it was rendered, there is a well recognized exception that a plea of guilty may be received in evidence as a deliberate declaration or admission against interest. In 23 Ohio Jurisprudence, page 995, quoted by the defendant, it is stated '* * * a plea of guilty to a criminal charge may be received in a civil action as an admission against interest * * *.'

"It is a general rule, also, that admissions by a defendant in an answer in a civil proceeding are admissible, if relevant, in subsequent proceedings between the same parties. 20 American Jurisprudence, Section 644, page 543, 90 ALR, page 1597. The allegations objected to are, therefore, clearly relevant and material, but do constitute the pleading of evidentiary facts.

"Under the Federal Rules of Civil Procedure, a pleading should be construed in the light of Rule 1 'to secure a just, speedy, and inexpensive determination of every action * * *.' The provisions of Rule 12 (f) do not require the Court to strike allegations of evidentiary facts, and while it may be contended that allegations of evidentiary matter do not constitute 'a short and plain statement of the claim' and do not make the pleading 'simple, concise, and direct * * *,' as required by Rule 8 (a) (c-1), the Court feels that a motion to strike should be granted only when the allegations have no relation to the controversy, and when a failure to strike will prejudice the adverse party. *Groves v. Paden City Glass Mfg. Co.*, 2 FRD 300; *Sinaiko Bros. Coal & Oil Co., et al. v. Ethyl Gasoline Corp., et al.*, 2 FRD 305. It is particularly true, also, that the inclusion of evidentiary matter which tends to give a fuller understanding of the complaint is not objectionable. *Groves v. Paden City Glass Mfg. Co.*, *supra*; *Sinaiko Bros. Coal & Oil Co., et al. v. Ethyl Gasoline Corp., et al.*, *supra*.

"For the reasons stated above, specification 1 of the defendant corporation's motion is overruled, except that there is ordered stricken from Article VII the last clause thereof beginning 'and the defendant corporation was fined,' etc. What disposition was made of the matter after a plea of guilty is immaterial in this case.

"Specification 2 of the defendant corporation's motion is sustained.

"Specification 3 of the defendant corporation's motion is overruled.

"Specification 4 of the defendant corporation's motion is overruled, except that there is ordered stricken the last clause of Article IX beginning 'and thereafter and on October 13, 1941, a judgment of condemnation was entered' etc.

"Specifications 5, 6, 7 and 8 of the defendant corporation's motion are sustained, except that the plaintiff may allege the one instance in which a plea of guilty was entered.

"The motion of the individual defendants is overruled in toto. It is permissible to join the corporation and its officers in an action for injunction, and no objection has been made to such joinder. The allegations complained of pertain to the defendant corporation and will be so limited at the trial.

"The complaint may be amended by interlineation, if desired. The defendants shall file their answer within fifteen (15) days after the complaint is amended."

The complaint was accordingly amended on February 24, 1945; and the defendant, Saunders Mills, Inc., having consented to the entry of a decree, judgment was entered dismissing the complaint against Clarence M. Saunders and Evelyn M. Crow, and permanently restraining Saunders Mills, Inc., and its officers and employees from shipping in interstate commerce any misbranded alfalfa animal feed.

8588. Misbranding of alfalfa meal and alfalfa leaf meal. U. S. v. The Denver Alfalfa Milling and Products Co. Plea of guilty. Fine, \$600. (F. D. C. No. 15585. Sample Nos. 34421-F, 34801-F.)

INFORMATION FILED: July 26, 1945, Eastern District of Missouri, against the Denver Alfalfa Milling and Products Co., a corporation, Steele, Mo.

ALLEGED SHIPMENT: On or about July 3 and August 5, 1944, from the State of Missouri into the State of North Carolina.

LABEL, IN PART: "Jack Rabbit 17% Protein Dehydrated Alfalfa Meal," or "Jack Rabbit Dehydrated Alfalfa Leaf Meal."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements, "17% Protein" and "Guaranteed Analysis Crude Protein, Not Less Than 17.0 Percent * * * Crude Fibre, Not More Than 27.0 Percent," in regard to the alfalfa meal, and "Guaranteed Analysis Crude Protein, Not Less Than 20.0 Percent * * * Crude Fibre, Not More Than 18.0 Percent," in regard to the alfalfa leaf meal, were false and misleading since the articles contained, respectively, not more than 11.94 percent and 17.76 percent of crude protein and not less than 29.55 percent and 25.75 percent of crude fiber.

DISPOSITION: October 8, 1945. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$300 on each count.

8589. Misbranding of poultry mash and dairy feed. U. S. v. Whyte Feed Mills. Plea of nolo contendere. Fine, \$250. (F. D. C. No. 16538. Sample Nos. 34201-H, 34202-H.)

INFORMATION FILED: September 13, 1945, Eastern District of Arkansas, against the Whyte Feed Mills, a partnership, Pine Bluff, Ark.

ALLEGED SHIPMENT: On or about December 13, 1944, from the State of Arkansas into the State of Texas.

LABEL, IN PART: "Special Horseshoe Egg Mash," or "Ozark Dairy Feed."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement on the egg mash, "Guaranteed Analysis: Crude Protein Not less than—18.00 Percent," was false and misleading since the article contained not more than 15.32 percent of crude protein; and the label statements on the dairy feed, "Guaranteed Analysis: * * * Crude Fiber Not More than—15.00 Percent Nitrogen-Free Extract not less than—45.00 Percent," were false and misleading since the article contained not less than 19.11 percent of crude fiber and not more than 34.25 percent of nitrogen-free extract.

DISPOSITION: September 25, 1945. A plea of nolo contendere having been entered, the court imposed a fine of \$25.

8590. Misbranding of Egg-O-Milk Co.'s Blend (poultry and cattle feed). U. S. v. 45 Bags of Egg-O-Milk Co.'s Blend. Default decree of condemnation. Product ordered distributed to charitable institutions or destroyed. (F. D. C. No. 15703. Sample No. 3414-H.)

LIBEL FILED: March 28, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 28, 1944, and January 10, 1945, by the Egg-O-Milk Co., from Baltimore, Md.

PRODUCT: 45 100-pound bags of Egg-O-Milk Co.'s Blend at York, Pa. The product consisted essentially of soybean flour, wheat flour, small amounts of whole wheat particles resembling a malted wheat, spray-dried grains resembling those of dried egg, and a trace of yeast.

LABEL, IN PART: "Egg-O-Milk Co.'s Blend Buttermilk, Skim Milk, Malt Flour (Wheat Malt, Barley Malt, Soy Malt), Powdered Egg-Yolk, Yeast."

NATURE OF CHARGE: Misbranding, Section 403 (a), the name "Egg-O-Milk Co.'s Blend" was misleading since the article was formerly sold under the name "Egg-O-Milk," and this name implied that the article consisted essentially of egg and milk. Further misbranding, Section 403 (a), the label statement, "Buttermilk, Skim Milk, Malt Flour (Wheat Malt, Barley Malt, Soy Malt), Powdered Egg-Yolk, Yeast," was false and misleading as applied to an article containing little, if any, buttermilk or skim milk.

DISPOSITION: On October 29, 1945, the Egg-O-Milk Co. having withdrawn its answer to the libel, judgment of condemnation was entered and it was ordered that the product be distributed to such charitable institutions as might use it for the feeding of farm animals. The product was to be destroyed if no charitable institution accepted it for feeding purposes.

8591. Misbranding of Milkmaid Co.'s Blend (poultry and cattle feed). U. S. v. 30 Bags of Milkmaid Co.'s Blend. Default decree of condemnation. Product ordered distributed to charitable institutions or destroyed. (F. D. C. No. 15937. Sample No. 3213-H.)

LIBEL FILED: April 19, 1945, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 15, 1945, by the Gerard Milk Products Co., from Baltimore, Md.

PRODUCT: 30 100-pound bags of Milkmaid Co.'s Blend at Lewisburg, Pa. The product consisted of large amounts of soybean flour and wheat flour, smaller amounts of wheat and barley particles resembling a malted product, a very small amount of spray-dried grains resembling a dried milk product, and a trace of yeast.

LABEL, IN PART: "Milkmaid Co.'s Blend Dried Buttermilk, Dried Skimmed Milk, Processed Feeding Malt Flour (Wheat Malt, Barley Malt, Soy Malt), Yeast * * * Manufactured by Milkmaid Company."

NATURE OF CHARGE: Misbranding, Section 403 (a), the name "Milkmaid Co.'s Blend" was misleading since it implied that the article consisted essentially of milk and malt. Further misbranding, Section 403 (a), the statement, "Dried Buttermilk, Dried Skimmed Milk, Processed Feeding Malt Flour (Wheat Malt, Barley Malt, Soy Malt), Yeast," was false and misleading as applied to an article containing little, if any, dried buttermilk or dried skim milk.

DISPOSITION: On October 30, 1945, the Milkmaid Co. having withdrawn its answer to the libel, judgment of condemnation was entered and it was ordered that the product be distributed to such charitable institutions as might use it for the feeding of farm animals. If no institution wanted it for that purpose, it was to be destroyed.

8592. Adulteration and misbranding of dog food. U. S. v. Vitapep Products, Inc. Plea of nolo contendere. Fine, \$400. (F. D. C. No. 15580. Sample Nos. 73634-F, 73635-F.)

INFORMATION FILED: July 18, 1945, Southern District of California, against the Vitapep Products, Inc., Los Angeles, Calif.

ALLEGED SHIPMENT: August 10 and September 26, 1944, from the State of California into the State of Arizona.

PRODUCT: Tests showed that the product contained an ingredient that was harmful to dogs.

LABEL, IN PART: (Bags) "Kibbled Vitapep Dog Food The Ideal Ration Vitapep Products Inc. Los Angeles, Calif. Dallas Tex."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained a deleterious substance which might have rendered it deleterious to health.

Misbranding, Section 403 (a), the label statements, "Vitapep * * * The Ideal Ration * * * is nutritious * * * is healthful because all the ingredients that go into this product are proportionately balanced to insure your dog's health," were false and misleading since the article would not increase vitality and pep in dogs as implied by the name "Vitapep"; it was not an ideal ration for dogs; it was neither nutritious nor healthful; all of the ingredients were not proportionately balanced to insure the dog's health; and the product contained a deleterious ingredient that would be injurious to health when fed to dogs.

Further misbranding, portion of the product, Section 403 (f), the common or usual name of each ingredient of the food, required by law to appear on the label, was not prominently placed thereon with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use, since the information was inconspicuously placed at the bottom of one side panel of the bag.

DISPOSITION: August 21, 1945. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100 on each count, a total fine of \$400.

FISH AND SHELLFISH

8593. Adulteration of salt herring. U. S. v. Cecil J. Belch, Sr. (Welaka Fish & Produce Co.). Plea of nolo contendere. Fine, \$250. (F. D. C. No. 16498. Sample No. 2304-H.)

INFORMATION FILED: August 20, 1945, Eastern District of North Carolina, against Cecil J. Belch, Sr., trading as the Welaka Fish and Produce Co., Mackeys, N. C.

ALLEGED SHIPMENT: On or about April 6, 1945, from the State of North Carolina into the State of Virginia.

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: October 1, 1945. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$250.

8594. Adulteration of canned oysters. U. S. v. 30 Cases of Canned Oysters. Default decree of condemnation and destruction. (F. D. C. No. 16406. Sample No. 29588-H.)

LABEL FILED: June 8, 1945, Northern District of California.

ALLEGED SHIPMENT: On or about March 15, 1945, by the Orleans Seafood Co., from New Orleans, La.

PRODUCT: 30 cases, each containing 48 7½-ounce cans, of oysters at Sacramento, Calif.

LABEL, IN PART: "Southland Brand Cove Oysters * * * Southland Canning & Packing Co., Inc., New Orleans, La. Distributors."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 11, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8595. Adulteration of frozen rosefish. U. S. v. 192 Boxes of Frozen Rosefish. Default decree of condemnation and destruction. (F. D. C. No. 16392. Sample No. 16839-H.)

LABEL FILED: June 8, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about May 17, 1945, by the Morris Fisheries of Massachusetts, Inc., from Gloucester, Mass.

PRODUCT: 192 10-pound boxes of frozen rosefish at Chicago, Ill.

LABEL, IN PART: "Fresh Rosefish Frozen * * * Packed by American Fillet Co. Gloucester, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasites.

DISPOSITION: November 16, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8596. Adulteration of canned salmon. U. S. v. 363 Cases of Canned Salmon. Default decree of condemnation and destruction. (F. D. C. No. 16221. Sample No. 9229-H.)

LABEL FILED: September 10, 1945, Western District of New York.

ALLEGED SHIPMENT: Between the approximate dates of December 21, 1944, and January 8, 1945, by the Sebastian Stuart Fish Co., from Seattle, Wash.

PRODUCT: 363 cases, each containing 48 1-pound cans, of salmon at Buffalo, N. Y.

LABEL, IN PART: "Dawn Brand Alaska Pink Salmon."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 1, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8597. Adulteration of frozen whiting. U. S. v. Pond Village Cold Storage Co. Plea of guilty. Fine, \$200. (F. D. C. No. 14244. Sample No. 48194-F.)

INFORMATION FILED: January 24, 1945, District of Massachusetts, against the Pond Village Cold Storage Co., a corporation, Provincetown and North Truro, Mass.

ALLEGED SHIPMENT: On or about February 26, 1944, from the State of Massachusetts into the State of Kentucky.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 10, 1945. A plea of guilty having been entered on behalf of the defendant, a fine of \$200 was imposed.

8598. Adulteration of frozen whiting. U. S. v. 309 Boxes and 196 Boxes of Frozen Whiting. Default decrees of condemnation and destruction. (F. D. C. Nos. 16845, 16864. Sample Nos. 16845-H, 16848-H.)

LIBELS FILED: July 26, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 27, 1945, by the Slade Gorton Co., from Gloucester, Mass.

PRODUCT: 309 15-pound boxes and 196 10-pound boxes of frozen whiting at Chicago, Ill.

LABEL, IN PART: "Fresh Frozen * * * Packed By Rocky Bay Fishing Company Gloucester, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a putrid substance.

DISPOSITION: September 14 and November 8, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

8599. Adulteration of frozen whiting. U. S. v. 148 Boxes of Frozen Whiting. Default decree of condemnation and destruction. (F. D. C. No. 16941. Sample No. 17977-H.)

LABEL FILED: August 10, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 12, 1945, by the Standard Fish Co., from Boston, Mass.

PRODUCT: 148 20-pound boxes of frozen whiting at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 2, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRUITS AND VEGETABLES

FRUITS AND FRUIT PRODUCTS*

8600. Adulteration of frozen cherries. U. S. v. 45 Barrels of Frozen Cherries. Default decree of condemnation and destruction. (F. D. C. No. 15430. Sample No. 9525-H.)

LABEL FILED: February 24, 1945, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 20, 1944, by the Gresham Berry Growers, from Gresham, Oreg.

PRODUCT: 45 barrels of frozen cherries at Erie, Pa.

LABEL, IN PART: "Five plus one Fresh Frozen Cherries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of maggots.

DISPOSITION: July 17, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8601. Adulteration of dates. U. S. v. 11 Boxes of Dates. Default decree of condemnation and destruction. (F. D. C. No. 16243. Sample No. 14610-H.)

LABEL FILED: May 28, 1945, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about June 15, 1944, from Indio, Calif.

PRODUCT: 11 50-pound boxes of dates at Detroit, Mich., in the possession of the Detroit Harbor Terminals. The product was stored under insanitary conditions after shipment. Rodent pellets were observed on the boxes, and examination showed that the product contained rodent excreta and rodent-chewed dates.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: October 9, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8602. Adulteration of dates. U. S. v. 94 Cases of Dates. Default decree of condemnation and destruction. (F. D. C. No. 16738. Sample No. 28494-H.)

LABEL FILED: June 25, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about April 28, 1945, by the United Date Growers of California, from Coachella, Calif.

PRODUCT: 94 50-pound cases of dates at Seattle, Wash. Examination showed that the product was fermented.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 31, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

*See also Nos. 8501, 8507, 8510.

8603. Adulteration of dried figs. U. S. v. 86 Boxes and 30 Boxes of Dried Figs (and 1 other seizure action against dried figs). Default decrees of condemnation. Portion of product ordered destroyed; remainder ordered delivered for use as stock feed. (F. D. C. Nos. 16192, 16480. Sample Nos. 27646-H, 27647-H, 28735-H, 28736-H.)

LIBELS FILED: May 17 and June 22, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about March 20, 1945, by the Clara Val Packing Co., from Morgan Hill, Calif.

PRODUCT: 116 25-pound boxes of dried figs at Tacoma, Wash., and 276 25-pound boxes of dried figs at Sedro Woolley, Wash.

LABEL, IN PART: "Clara-Val Choice [or "Extra Choice," or "Standard"] Adriatic Figs," or "Clara-Val Standard Black Mission Figs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and insect fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: September 6 and 20, 1945. No claimant having appeared, judgments of condemnation were entered and it was ordered that the Tacoma lot be delivered to a Federal institution, for use as stock feed, and that the other lot be destroyed.

8604. Adulteration of Greek olives. U. S. v. 19 Kegs of Greek Olives. Default decree of condemnation and destruction. (F. D. C. No. 16298. Sample No. 29604-H.)

LIBEL FILED: May 25, 1945, District of Massachusetts.

ALLEGED SHIPMENT: On or about April 25, 1945, by the Modesto Olive Oil Co., from Modesto, Calif.

PRODUCT: 19 110-pound kegs of Greek olives at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy olives.

DISPOSITION: September 24, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8605. Adulteration of raisins. U. S. v. 60 Cartons of Raisins. Default decree of condemnation and destruction. (F. D. C. No. 15727. Sample No. 11222-H.)

LIBEL FILED: March 19, 1945, District of New Hampshire.

ALLEGED SHIPMENT: On or about March 2, 1945, by the Pacific Raisin Co., from Fowler, Calif.

PRODUCT: 60 30-pound cartons of raisins at Keene, N. H.

LABEL, IN PART: "Selmor Brand Choice Thompson Seedless Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: August 6, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8606. Adulteration of raisins. U. S. v. 60 Cartons of Raisins. Default decree of condemnation and destruction. (F. D. C. No. 15726. Sample No. 11221-H.)

LIBEL FILED: March 19, 1945, District of New Hampshire.

ALLEGED SHIPMENT: On or about February 2, 1944, by the Tusan Packing Co., from Sanger, Calif.

PRODUCT: 60 25-pound cartons of raisins at Keene, N. H.

LABEL, IN PART: "Tusan Brand Custom Brand Thompson Seedless Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: August 6, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8607. Adulteration and misbranding of peach preserves. U. S. v. 42 Cases of Peach Preserves. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 16652. Sample No. 13151-H.)

LIBEL FILED: June 28, 1945, Western District of Kentucky.

ALLEGED SHIPMENT: On or about April 27, 1945, by the Mary-Ann Preserving Co., from Chattanooga, Tenn.

PRODUCT: 42 cases, each containing 24 jars, of peach preserves at Central City, Ky. Examination showed that the product was short-weight.

LABEL, IN PART: "Top-Notch Pure Peach Preserves Net Weight 1 Lb."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product of less than 65 percent soluble solids content had been substituted in whole or in part for peach preserves.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents, since the jars contained less than the declared weight; and, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for peach preserves since it had not been concentrated by heat to such point that its soluble solids content was not less than 65 percent.

DISPOSITION: October 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

S608. Misbranding of assorted jellies. U. S. v. The Phillips Co., Inc. Plea of guilty. Fine, \$300 and costs. (F. D. C. No. 14267. Sample Nos. 38401-F, 54897-F to 54900-F, incl., 86704-F, 86705-F, 86707-F, 86709-F.)

INFORMATION FILED: June 18, 1945, Northern District of Illinois, against the Phillips Co., Inc., Chicago, Ill.

ALLEGED SHIPMENT: Between May 5 and September 7, 1944, from the State of Illinois into the State of Wisconsin.

LABEL, IN PART: "Phillips Blackberry [or "Red Raspberry," "Strawberry," "Currant," or "Cherry"] Jelly," or "United Brand * * * Pure Apple [or "Red Raspberry," "Strawberry," or "Blackberry"] Jelly Distributed by United Food Sales Milwaukee, Wis."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the articles failed to conform to the definitions and standards of identity for blackberry, red raspberry, strawberry, currant, cherry, and apple jellies in that they were made from mixtures composed of less than 45 parts by weight of one of the optional saccharine ingredients specified in the regulations; they contained added water and phosphoric acid or acid phosphate, which are not permitted as optional ingredients in the definition and standard of identity for jellies; and, with the exception of one lot of the blackberry and one lot of the red raspberry jelly, they had not been concentrated by heat to such a point that the soluble solids content of the finished jellies was not less than 65 percent.

DISPOSITION: September 27, 1945. A plea of guilty having been entered on behalf of the defendant, a fine of \$300 and costs was imposed.

VEGETABLES AND VEGETABLE PRODUCTS

S609. Misbranding of canned green beans. U. S. v. 98 Cases of Canned Green Beans. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15933. Sample No. 28723-H.)

LABEL FILED: May 5, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about November 29, 1944, by the Royal Canning Co. of Oregon, from Silverton, Oreg.

PRODUCT: 98 cases, each containing 24 1-pound, 3-ounce cans, of cut green beans at Bellingham, Wash.

LABEL, IN PART: "Ropak Brand Blue Lake Variety Short Cut Green Beans [vignette of a dish containing middle cuts of green beans]."

NATURE OF CHARGE: Misbranding, Section 403 (a), the vignette of a dish containing middle cuts of green beans, and the label statement "Short Cut Green Beans," were misleading as applied to a product which consisted mainly of tips and end cuts of green beans.

DISPOSITION: August 23, 1945. The Royal Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled in conformity with the law, under the supervision of the Food and Drug Administration.

S610. Adulteration of kidney beans. U. S. v. 49 Bags of Kidney Beans. Default decree of condemnation and destruction. (F. D. C. No. 16263. Sample No. 24394-H.)

LABEL FILED: June 2, 1945, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about June 17, 1944, by the Gulley Grocery Co., from Moss Point, Miss.

PRODUCT: 49 100-pound bags of kidney beans at New Orleans, La.

LABEL, IN PART: "Haxton Quality Red Kidney Beans."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested, moldy, and decomposed beans.

DISPOSITION: September 10, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

S611. Misbranding of soybean sprouts and bean sprouts. U. S. v. 45 Cases of Soy Bean Sprouts and 70 Cases of Bean Sprouts. Consent decree of condemnation. Products ordered released under bond. (F. D. C. No. 15402. Sample Nos. 73895-F, 74184-F, 17301-H, 17302-H.)

LABEL FILED: February 19, 1945, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about October 28, 1944, by the Oriental Food Products Co., from Los Angeles, Calif.

PRODUCT: 45 cases of soybean sprouts and 70 cases of bean sprouts, each case containing 12 jars, at Milwaukee, Wis. Examination showed that the products were short-weight.

LABEL, IN PART: "Contents 1 Lb. 13 Oz. Avoir. Jan-U-Wine Brand Soy Bean Sprouts [or "Bean Sprouts"]."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the products failed to bear labels containing an accurate statement of the quantity of the contents.

DISPOSITION: August 21, 1945. Peter S. Hyun, claimant, trading as the Oriental Food Products Co., having admitted the material allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

S612. Misbranding of borscht, creamed borscht, and schard soup. U. S. v. 190 Cases of Borscht, 83 Cases of Creamed Borscht, and 71 Cases of Schard Soup. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16688. Sample Nos. 7091-H to 7093-H, incl.)

LABEL FILED: July 7, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about April 6 and June 14, 1945, by Cosmo Salads, Inc., from Brooklyn, N. Y.

PRODUCT: 190 cases, each containing 12 32-ounce jars of borscht; 83 cases, each containing 12 24-ounce jars, of creamed borscht; and 71 cases, each containing 12 24-ounce jars, of schard soup at Newark, N. J. Examination showed that the products were short-volume.

LABEL, IN PART: (Jars) "Cosmo Pareve Borscht Cont. 32 Fl. Ozs. Made from Fresh Selected Beets, Water, Sugar, Salt and Sour Salt * * *," "Cosmo Creamed Borscht Contents 1 Pt. 8 Fl. Oz. Fresh Selected Beets, Water, Sugar, Sour Salt, Fresh Eggs, Milk and Salt * * *," or "Cosmo Schav or Schard Soup Contents 1 Pt. 8 Fl. Oz. Made From Fresh Sour Leaves, Water, Sugar, Sour Salt, Fresh Eggs, Milk, and Salt * * *."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the articles failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: August 27, 1945. Cosmo Salads, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond for relabeling in compliance with the law, under the supervision of the Food and Drug Administration.

S613. Adulteration of canned corn. U. S. v. 158 Cases of Canned Corn (and 3 other seizure actions against canned corn). Default decrees of condemnation and destruction. (F. D. C. Nos. 16753, 16778, 16779, 16804. Sample Nos. 27935-H, 27936-H, 36219-H, 36224-H.)

LABELS FILED: June 29 and July 11 and 18, 1945, District of Oregon.

ALLEGED SHIPMENT: On or about August 7 and 8, 1945, by the Sterling Canning Co., from Sterling, Ill.

PRODUCT: 158 cases, 146 cases, 90 cases, and 12 cases, each containing 24 cans, of corn at Roseburg, Corvallis, Albany, and Portland, Oreg., respectively. Examination showed that the product had undergone decomposition.

LABEL, IN PART: "Nation's Garden Brand Cream Style Golden Sweet Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: August 18, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

8614. Misbranding of canned corn. U. S. v. 672 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16635. Sample No. 12009-H.)

LABEL FILED: June 21, 1945, District of Rhode Island.

ALLEGED SHIPMENT: On or about March 12, 14, and 21, 1945, by the Morgan Packing Co., from Austin, Ind.

PRODUCT: 672 cases, each containing 24 20-ounce cans, of corn at Providence, R. I.

LABEL, IN PART: "Leota Belle Cream Style Sweet Corn."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product purported to be and was represented as canned corn, a food for which a definition and standard of identity has been prescribed by the regulations, but the label failed to bear the name of the food specified in the definition and standard of identity, i. e., "field corn."

DISPOSITION: October 16, 1945. The Morgan Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Federal Security Agency.

8615. Adulteration of canned peas. U. S. v. Seymour Canning Co. Plea of guilty. Fine, \$1,000. (F. D. C. No. 15558. Sample Nos. 61651-F, 61653-F, 80756-F to 80758-F, incl.)

INFORMATION FILED: July 16, 1945, District of Wisconsin, against the Seymour Canning Co., a corporation, Seymour, Wis.

ALLEGED SHIPMENT: On or about July 28, 1944, from the State of Wisconsin into the State of Tennessee.

LABEL, IN PART: "Ontra [or "Good Fare"] Brand * * * Early June Peas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained a poisonous and deleterious substance, borax, which was unsafe within the meaning of the law since it was a substance not required in the production of the food and could have been avoided by good manufacturing practice.

DISPOSITION: October 29, 1945. A plea of guilty having been entered on behalf of the defendant, a fine of \$1,000 was imposed.

8616. Misbranding of canned peas. U. S. v. The Eavey Co. Plea of nolo contendere. Fine, \$500. (F. D. C. No. 15540. Sample No. 67979-F.)

INFORMATION FILED: May 31, 1945, Southern District of Ohio, against the Eavey Co., a corporation, Xenia, Ohio.

ALLEGED SHIPMENT: On or about August 29, 1944, from the State of Ohio into the State of Indiana.

LABEL, IN PART: "Sun Bird Wisconsin Sweet Peas * * * Size 3 Canned Reedsburg Foods Packed by Reedsburg Foods Corp. Reedsburg, Wis."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Size 3" was false and misleading since it represented and suggested that the product consisted of graded canned peas of sieve size 3, whereas it consisted of peas which were ungraded for size; and, Section 403 (g) (2), the product purported to be and was represented as a food for which a definition and standard of identity has been prescribed by the regulations, and its label failed to bear the name of the optional pea ingredient present, i. e., "Early," or "June," or "Early June" peas.

Further misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned peas since it was an Alaska or other smooth-skin variety of peas and the alcohol-insoluble solids content was more than 23.5 percent; and the label did not bear a statement that the article was substandard.

DISPOSITION: July 23, 1945. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$500.

8617. Misbranding of canned peas. U. S. v. Waldo Canning Co. Pleas of guilty. Fine, \$1,000. (F. D. C. No. 16518. Sample Nos. 61276-F, 72732-F, 72733-F.)

INFORMATION FILED: August 21, 1945, Eastern District of Wisconsin, against the Waldo Canning Co., a corporation, Waldo, Wis.

ALLEGED SHIPMENT: On or about July 15, 1943, and August 9, 1944, from the State of Wisconsin into the States of Texas and Missouri. A portion of the product was shipped unlabeled, invoiced as "Std. No. 3 Sv. Alaska Peas."

LABEL, IN PART: (Portion) "Maplewood * * * Wisconsin Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard because of high alcohol-insoluble solids; and, Section 403 (e) (1) and (2), a portion of the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor and a statement of the quantity of the contents.

DISPOSITION: October 18, 1945. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$1,000.

8618. Misbranding of canned peas. U. S. v. Harold H. Clapp, Inc. Plea of nolo contendere. Fine, \$200. (F. D. C. No. 15548. Sample Nos. 10219-H, 75941-H.)

INFORMATION FILED: July 30, 1945, Western District of New York, against Harold H. Clapp, Inc., Rochester, N. Y.

ALLEGED SHIPMENT: Between the approximate dates of August 21, 1944, and January 3, 1945, from the State of New York into the State of Pennsylvania.

LABEL, IN PART: "Clapp's Strained Baby Foods Strained Peas * * * Net Weight 5 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the cans contained less than 5 ounces.

DISPOSITION: October 22, 1945. A plea of nolo contendere having been entered on behalf of the defendant, a fine of \$200 was imposed.

8619. Adulteration of dried peppers. U. S. v. 99 Bags and 112 Bags of Dried Peppers. Decrees of condemnation. Portion of product ordered destroyed; remainder ordered released under bond. (F. D. C. Nos. 15766, 16176. Sample Nos. 4059-H, 9905-H.)

LIBELS FILED: March 29 and May 12, 1945, Eastern District of Pennsylvania and Western District of New York.

ALLEGED SHIPMENT: On or about November 17, 1944, and January 13, 1945, by Young & Patterson, Timmons ville, S. C.

PRODUCT: 99 100-pound bags and 112 97-pound bags of dried peppers at Philadelphia, Pa., and Rochester, N. Y., respectively.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy peppers.

DISPOSITION: October 2 and 22, 1945. The R. T. French Co., Rochester, N. Y., having appeared as claimant for the Rochester lot and having admitted the allegations of the libel, and no claimant having appeared for the Philadelphia lot, judgments of condemnation were entered. The Philadelphia lot was ordered destroyed, and the Rochester lot was ordered released under bond for conversion to industrial use or poultry feed, under the supervision of the Food and Drug Administration.

8620. Adulteration of dill pickles. U. S. v. 419 Cases and 534 Cases of Dill Pickles. Decrees of condemnation. Portion of product ordered destroyed and containers salvaged; remainder of product ordered released under bond but subsequently ordered destroyed. (F. D. C. Nos. 16661, 17180. Sample Nos. 360-H, 31635-H, 31636-H.)

LIBELS FILED: June 29 and August 24, 1945, Southern District of Florida and Southern District of California.

ALLEGED SHIPMENT: On or about May 31 and June 8, 1945, by the Sparks Pickle Co., from Sparks, Ga.

PRODUCT: 419 cases, each containing 12 1-quart jars, of dill pickles at Jacksonville, Fla., and 534 cases, each case containing 24 1-pint jars, of dill pickles at San Diego, Calif.

LABEL, IN PART: "Sparks Brand Dill Pickles."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of filthy substances by reason of the presence of worm-cut pickles, worms, and worm excreta in one lot and of sand and dirt in the other lot; and, Section 402 (a) (4), both lots had been prepared under insanitary conditions whereby the pickles might have become contaminated with filth.

DISPOSITION: August 20, 1945. No claimant having appeared for the Jacksonville lot, judgment of condemnation was entered and the product was ordered delivered to a public institution for the destruction of the pickles and the salvage of the containers. On November 13, 1945, the Sparks Pickle Co., claimant for the San Diego lot, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. On March 6, 1946, the decree in the latter case was vacated by consent of the claimant, and the product was ordered destroyed.

8621. Misbranding of potatoes and onions. U. S. v. Henry G. Martin (Martin Produce Co.). Plea of nolo contendere. Fine, \$150. (F. D. C. No. 15587. Sample Nos. 69482-F, 85898-F, 86242-F.)

INFORMATION FILED: July 24, 1945, District of Colorado, against Henry G. Martin, trading as the Martin Produce Co., Greeley, Colo.

ALLEGED SHIPMENT: On or about November 9 and 10 and December 16, 1944, from the State of Colorado into the State of Texas.

LABEL, IN PART: (Sacks) "Martins * * * Leader Brand Onions 50 Lbs. Net," "Star Brand 100 Lbs. Net Western Grown Potatoes Mathews Produce Co. Greeley Colo.," or "Martin's Leader Potatoes 100 Lbs. Net."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the products failed to bear a label containing an accurate statement of the quantity of the contents since the sacks contained less than the declared weight.

DISPOSITION: October 9, 1945. A plea of nolo contendere having been entered by the defendant, a fine of \$50 on each count, a total fine of \$150, was imposed.

8622. Misbranding of canned sweet potatoes. U. S. v. 75 Cases of Canned Sweet Potatoes. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15668. Sample No. 23741-H.)

LIBEL FILED: March 22, 1945, Southern District of Texas.

ALLEGED SHIPMENT: On or about November 4, 1944, by Evangeline Pepper and Food Products, from St. Martinville, La.

PRODUCT: 75 cases, each containing 24 1-pound, 13-ounce cans, of sweet potatoes at Houston, Tex.

LABEL, IN PART: "Bulliard's Evangeline Brand Candied Louisiana Yams Sweet Potatoes in Water."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement, "Candied Louisiana Yams," was false and misleading as applied to the product, which consisted of canned sweet potatoes in light sirup.

DISPOSITION: On or about September 7, 1945, Evangeline Pepper and Food Products, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

8623. Adulteration of sauerkraut. U. S. v. 363 Cases and 67 Cases of Sauer Kraut. Default decrees of condemnation and destruction. (F. D. C. Nos. 15872, 16415. Sample Nos. 18592-H, 20462-H.)

LIBELS FILED: On or about April 17 and June 6, 1945, District of Kansas and District of South Dakota.

ALLEGED SHIPMENT: On or about November 25, 1944, and March 10, 1945, by the Morgan Packing Co., from Austin, Ind.

PRODUCT: 363 cases and 67 cases, each containing 12 jars, of sauerkraut at Wichita, Kans., and Sioux Falls, S. Dak., respectively. One lot of this product was in a state of active fermentation and the other lot had undergone decomposition.

LABEL, IN PART: "Scott Co. Sauer Kraut."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: July 9 and 10, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

8624. Adulteration of sauerkraut juice. U. S. v. 24 Cases of Sauerkraut Juice. Default decree of condemnation and destruction. (F. D. C. No. 16376. Sample No. 32000-H.)

LIBEL FILED: June 22, 1945, District of Arizona.

ALLEGED SHIPMENT: On or about May 9, 1945, by the Jefferson Manufacturing Co., from Los Angeles, Calif.

PRODUCT: 24 cases, each containing 24 12-ounce bottles, of sauerkraut juice at Phoenix, Ariz. Examination showed that the product had undergone fermentation.

LABEL, IN PART: (Bottles) "Supreme Brand Sauerkraut Juice From Selected White Cabbage."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: September 12, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8625. Adulteration of spinach. U. S. v. 150 Cases and 8 Cases of Spinach. Consent decree of condemnation and destruction. (F. D. C. No. 16954. Sample Nos. 26744-H, 26745-H.)

LIBEL FILED: August 2, 1945, District of Colorado.

ALLEGED SHIPMENT: On or about January 22, 1945, by the Deck Brothers Produce Co., from Springfield, Mo.

PRODUCT: 150 cases, each containing 6 cans, and 8 cases, each containing 24 cans, of spinach at Colorado Springs, Colo.

LABEL, IN PART: "May-Flower Brand Spinach Contents 6 Pounds Distributed by Marshall Canning Co. Marshalltown, Iowa," or "Mayflower [or "Staff-O-Life"] Brand Spinach Contents 1 Lb. 2 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: September 4, 1945. The Deck Brothers Produce Co. having executed an acceptance of service and authorization for taking of final decree, judgment of condemnation was entered and the product was ordered destroyed.

8626. Adulteration of vinegar. U. S. v. 1 Barrel and 2 Barrels of Vinegar. Default decrees of condemnation and destruction. (F. D. C. Nos. 16183, 16252. Sample Nos. 17936-H, 18021-H.)

LIBELS FILED: May 23 and June 5, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 25 and December 5, 1944, by Galvanoni & Nevy Bros., Inc., from New York, N. Y.

PRODUCT: 1 34-gallon barrel and 2 50-gallon barrels of vinegar at Chicago, Ill.

LABEL, IN PART: (Portion) "Red Wine Vinegar." The remainder of the product was unlabeled but was invoiced as "Wine Vinegar."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an artificially colored mixture of wine vinegar and acetic acid, or distilled vinegar, in the 2-barrel lot, and an artificially colored distilled vinegar, or diluted acetic acid, containing little or no wine vinegar, in the 1-barrel lot, had been substituted in whole or in part for wine vinegar; and, Section 402 (b) (4), artificial coloring had been added to the product or mixed or packed with it so as to make it appear better or of greater value than it was.

DISPOSITION: September 14 and November 7, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

8627. Adulteration and misbranding of wine vinegar. U. S. v. 18 Cases of Wine Vinegar. Default decree of condemnation and destruction. (F. D. C. No. 16238. Sample No. 18022-H.)

LIBEL FILED: On or about June 11, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 31, 1944, by A. Bertola and Co., from New York, N. Y.

PRODUCT: 18 cases, each containing 24 1-pint bottles of wine vinegar at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an artificially colored mixture of wine vinegar and distilled vinegar, or acetic acid, had been substituted in whole or in part for wine vinegar, which the article was represented to be; and, Section 402 (b) (4), artificial coloring had been added to the article and mixed and packed with it so as to make it appear better or of greater value than it was.

Misbranding, Section 403 (a), the label statement, "Wine Vinegar," was false and misleading.

DISPOSITION: October 22, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS

8628. Adulteration of tomato catsup. U. S. v. 172 Cases of Tomato Catsup (and 2 other seizure actions against tomato catsup). Default decrees of condemnation and destruction. (F. D. C. Nos. 16060, 16653, 16654. Sample Nos. 2215-H, 2271-H, 3472-H, 3480-H.)

LIBELS FILED: May 2 and July 16, 1945, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about December 11, 1944, by the S. J. Van Lill Co., from Baltimore, Md.

PRODUCT: 172 cases, 31 cases, and 163 cases, each containing 24 8-ounce bottles, of catsup at Rocky Mount, Weldon, and Henderson, N. C., respectively.

LABEL, IN PART: "Van Lill's Astoria Brand Tomato Catsup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: August 23, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

8629. Adulteration of tomato juice. U. S. v. 164 Cases and 150 Cases of Tomato Juice. Default decrees of condemnation. Product ordered delivered to a public institution. (F. D. C. Nos. 16422, 16423. Sample Nos. 16827-H, 16828-H.)

LIBELS FILED: June 15 and 25, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about February 22, 1945, by the R. H. Denbo Canning Co., from Roanoke, Ind.

PRODUCT: 164 cases and 150 cases, each containing 12 46-ounce cans, of tomato juice at Chicago, Ill.

LABEL, IN PART: "Tomato Juice * * * Garo Brand," or "Dinner Party Brand Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: September 26, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed. On October 22, 1945, amended decrees were entered ordering the product delivered to a public institution, for use as animal feed.

8630. Adulteration of tomato paste and tomato sauce. U. S. v. Western California Cannery. Plea of guilty. Fine, \$30. (F. D. C. No. 16576. Sample Nos. 17703-H, 27306-H, 29591-H.)

INFORMATION FILED: October 11, 1945, Northern District of California, against the Western California Cannery, a partnership, Antioch, Calif.

ALLEGED SHIPMENT: Between the approximate dates of November 13, 1944, and April 5, 1945, from the State of California into the States of Illinois, Oregon, and New York.

LABEL, IN PART: "S and W Tomato Sauce S and W Fine Foods, Inc. Distributors San Francisco," or "Pastene * * * Tomato Paste Distributed By Pastene & Co., Inc. New York-Boston-Montreal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: November 2, 1945. A plea of guilty having been entered, the defendant was fined \$30.

8631. Adulteration of tomato paste. U. S. v. 38 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 15694. Sample No. 28455-H.)

LIBEL FILED: May 8, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about November 10, 1944, by the Sun Garden Packing Co., from San Jose, Calif.

PRODUCT: 38 cases, each containing 6 6-pound, 14-ounce cans, of tomato paste at Seattle, Wash.

LABEL, IN PART: "Green Bow Tomato Paste."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 31, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

S632. Adulteration of tomato paste. U. S. v. 313 Cases of Tomato Paste. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 15429. Sample No. 29307-H.)

LIBEL FILED: February 26, 1945, Western District of Michigan.

ALLEGED SHIPMENT: On or about February 5, 1945, by Flotill Products, Inc., from Stockton, Calif.

PRODUCT: 313 cases, each containing 96 6-ounce or 6¼-ounce cans, of tomato paste at Marquette, Mich.

LABEL, IN PART: "Flotta [or "Flotta Brand Fancy"] Tomato Paste."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: November 1, 1945. Flotill Products, Inc., having entered a special appearance in the case, which was subsequently withdrawn, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

S633. Adulteration of tomato puree. U. S. v. 396 Cartons of Tomato Puree. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16308. Sample Nos. 11828-H, 11830-H.)

LIBEL FILED: May 31, 1945, District of Massachusetts.

ALLEGED SHIPMENT: On or about January 5, 1945, by the Arthur Canneries, from Montpelier, Ind.

PRODUCT: 396 cartons, each containing 6 6-pound, 8-ounce cans, of tomato puree at Boston, Mass.

LABEL, IN PART: "Matchless Brand Tomato Puree * * * Webster-Thomas Co., Boston, Mass. Distributors."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: September 17, 1945. The Triangle Sales Corporation, Lynn, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

S634. Adulteration of tomato puree. U. S. v. 249 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 15076. Sample No. 6042-H.)

LIBEL FILED: January 22, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about December 11, 1944, by the Sun Garden Packing Co., from San Jose, Calif.

PRODUCT: 249 cases, each containing 24 1-pound, 12-ounce cans, of tomato puree at New York, N. Y.

LABEL, IN PART: "Red Bow Puree of Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: September 11, 1945. The shipper having filed a claim of ownership, but subsequently having defaulted, judgment of condemnation was entered and the product was ordered destroyed.

S635. Adulteration of tomato puree. U. S. v. 138½ Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 16143. Sample No. 31817-H.)

LIBEL FILED: August 2, 1945, District of Arizona.

ALLEGED SHIPMENT: On or about February 9, 1945, by the Elsa Canning Co., from Elsa, Tex.

PRODUCT: 138½ cases, each containing 6 6½-pound cans, of tomato puree at Tucson, Ariz.

LABEL, IN PART: (Cases) "Ro-Tel Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: September 21, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8636. Adulteration of tomato puree. U. S. v. 248 Cases of Tomato Puree. Consent decree of condemnation and destruction. (F. D. C. No. 15599. Sample No. 29462-H.)

LIBEL FILED: March 7, 1945, District of Hawaii.

ALLEGED SHIPMENT: On or about February 2, 1945, by American Factors, Ltd., from San Francisco, Calif.

PRODUCT: 248 cases, each containing 24 1-pound, 12-ounce cans, of tomato puree at Honolulu, T. H. This product contained decomposed tomato material.

LABEL, IN PART: "Flotta Tomato Puree * * * Packed by Flotill Products Incorporated Stockton, Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: August 29, 1945. American Factors, Ltd., claimant, having admitted that the product was adulterated as alleged in the libel, judgment of condemnation was entered and the product was ordered destroyed.

8637. Adulteration of tomato puree. U. S. v. 72 Cases of Tomato Puree (and 5 other seizure actions against tomato puree). Default decrees of condemnation and destruction. (F. D. C. Nos. 16463 to 16466, incl., 16468 to 16471, incl. Sample Nos. 27389-H, 27391-H to 27393-H, incl., 28087-H, 28090-H, 28258-H, 28475-H.)

LIBELS FILED: Between June 15 and 23, 1945, District of Oregon and Western District of Washington.

ALLEGED SHIPMENT: On or about March 3, 1945, by the St. Marys Packing Co., from St. Marys, Ohio.

PRODUCT: 407 cases at Portland, Oreg., 701 cases at Seattle, Wash., and 90 cases at Tacoma, Wash., each case containing 6 No. 10 cans, of tomato puree.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: Between July 23 and September 20, 1945. No claimants having appeared, judgments of condemnation were entered and the product was ordered destroyed.

NUTS AND NUT PRODUCTS

8638. Adulteration of canned coconut. U. S. v. 7 Cases of Canned Coconut. Default decree of condemnation and destruction. (F. D. C. No. 16663. Sample No. 644-H.)

LIBEL FILED: July 3, 1945, Northern District of Georgia.

ALLEGED SHIPMENT: On or about May 21, 1945, by Charles R. Allen, from Jacksonville, Fla.

PRODUCT: 7 cases, each containing 48 13-ounce cans, of coconut at Winder, Ga. Examination showed that the article was undergoing decomposition.

LABEL, IN PART: "Ferro Brand Grated Cocoanut in Heavy Syrup * * * Packed by Industrias Ferro, S. A. Pinar Del Rio Republic of Cuba."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 23, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8639. Misbranding of mixed, salted nuts. U. S. v. 29 Cases of Mixed Salted Nuts. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 16057. Sample Nos. 4069-H, 4451-H.)

LIBEL FILED: April 21, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 19 and 20, 1945, by the Cosmo Packing Co., from New York, N. Y.

PRODUCT: 29 cases, each containing 24 jars, of mixed, salted nuts at Philadelphia, Pa. Examination showed that the product was short-weight.

LABEL, IN PART: "Delta Finest Quality Mixed Nuts * * * 4½ ozs. Net."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: October 18, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

8640. Adulteration of walnut halves and pieces. U. S. v. The L. Demartini Co. Plea of guilty. Fine, \$100. (F. D. C. No. 16578. Sample No. 29152-H.)

INFORMATION FILED: September 14, 1945, Northern District of California, against the L. Demartini Company, a corporation, San Francisco, Calif.

ALLEGED SHIPMENT: On or about February 12, 1945, from the State of California into the State of Colorado.

LABEL, IN PART: "West Owl Brand Shelled Walnut Halves & Pieces."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of larvae, insect excreta and webbing, and moldy or decomposed nut meats.

DISPOSITION: October 4, 1945. A plea of guilty having been entered on behalf of the defendant, a fine of \$100 was imposed.

8641. Adulteration of shelled walnuts. U. S. v. 49 Cartons of Shelled Walnuts. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16772. Sample No. 27658-H.)

LIBEL FILED: July 3, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about May 4, 1945, by the Consolidated Nut Co., from Los Angeles, Calif.

PRODUCT: 49 cartons, each containing 25 pounds, of shelled walnuts at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and insect-infested walnut meats; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: September 12, 1945. The Consolidated Nut Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law by sorting and segregation under the supervision of the Food and Drug Administration.

8642. Adulteration of shelled walnuts and almonds. U. S. v. 8 Cartons of Shelled Walnuts and 13 Bags of Shelled Almonds. Decrees of condemnation. Walnuts ordered destroyed; almonds ordered released under bond. (F. D. C. Nos. 15988, 17211. Sample Nos. 17151-H, 25423-H.)

LIBELS FILED: May 1 and September 11, 1945, District of Idaho and Northern District of Illinois.

ALLEGED SHIPMENT: On or about February 14 and May 29, 1945, by the Davis Nut Shelling Co., from Los Angeles, Calif.

PRODUCT: 8 25-pound cartons of shelled walnuts and 13 160-pound bags of shelled almonds at Idaho Falls, Idaho, and Chicago, Ill., respectively.

LABEL, IN PART: "Davis-Pakt Shelled Walnuts Standard Amber Halves and Pieces," or "Shelled Almonds Nonpareil."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the walnuts consisted in whole or in part of filthy and decomposed substances by reason of the presence of worm-damaged and moldy walnuts, and the almonds consisted in whole or in part of a filthy substance by reason of the presence of larvae and insect-damaged almonds.

DISPOSITION: September 28 and October 12, 1945. The National Candy Co., Inc., having appeared as claimant for the almonds, and having admitted the facts set forth in the libel, and no claimant having appeared for the walnuts, judgments of condemnation were entered. The almonds were ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration, and the walnuts were ordered destroyed.

SPICES, FLAVORS, AND SEASONING MATERIALS

8643. Adulteration of sesame seed. U. S. v. Richard J. Spitz. Tried to a jury. Verdict of guilty. Fine, \$1,000. (F. D. C. No. 15491. Sample Nos. 50653-F, 50654-F.)

INFORMATION FILED: May 17, 1945, Southern District of New York, against Richard J. Spitz, a partnership, New York, N. Y.

ALLEGED SHIPMENT: On or about January 10 and 28, 1944, from the State of New York into the State of Pennsylvania.

LABEL, IN PART: "Chinese Hulled Sesame Seed."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, adult insects, head capsules, insect fragments, worm webbing and excreta, and insect and rodent pellets.

DISPOSITION: October 9, 1945. A plea of not guilty having been entered by the defendant, the case was tried before a jury. At the conclusion of the testimony and arguments of counsel, the court delivered the following charge to the jury:

LEAMY, *District Judge*: "Mr. Foreman and Ladies and Gentlemen of the Jury: This is an action brought by the United States of America against Richard J. Spitz, a partnership, on an information filed against the partnership in this court. The partnership may be hereinafter referred to either as 'the defendant' or as 'he' or as 'it'.

"The fact that the defendant is here under information and on trial is not to be taken against it. The information which has been filed and on which the partnership is being prosecuted is no evidence whatsoever of the guilt of the defendant. The information is simply an accusation which charges the defendant with an offense, and no member of the jury should be influenced in the least degree by the fact that the information has been filed.

"The information, as you know, is in two counts. It charges, in substance, in the first count, that on or about the 10th day of January, 1944, that Richard J. Spitz, a partnership, of the City of New York, did introduce and deliver for introduction into interstate commerce for delivery to Philadelphia, Pennsylvania, a number of bags containing a food within the meaning of the Federal Food, Drug and Cosmetic Act; that the said food, when it was introduced in interstate commerce was contaminated and adulterated in that it consisted in whole or in part of a filthy substance, to-wit, larvae, adult insects, head capsules, insect fragments, worm webbing and excreta.

"The second count of the information charges, in substance, that on or about the 28th day of January, 1944, that the said Richard J. Spitz, a partnership, did ship in interstate commerce from New York to Philadelphia a number of bags containing food within the meaning of the Federal Food, Drug, and Cosmetic Act; in that the said food when shipped in interstate commerce was then and there adulterated, in that it consisted in whole or in part of a filthy substance, to-wit, larvae, adult insects, insect fragments, insect pellets, and other matters.

"In brief, the information is in two counts and charges the interstate shipment of a number of bags of food, namely, sesame seed, which seed was adulterated in that it contained various filthy substances.

[Here the Court gave the usual instructions to the jury that the burden of proof rests upon the Government and that the defendant is presumed to be innocent until proved guilty beyond a reasonable doubt.]

"The statutes involved and which the Government claims have been violated are Section 331 (a) of Title 21, which prohibits the introduction or delivery for introduction into interstate commerce of any food, drug, device, or cosmetic that is adulterated or misbranded, and Section 342 (a) of Title 21 which provides that food shall be deemed to be adulterated if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for food.

"The statute also provides that the term 'interstate commerce' means commerce between any State or territory; the term 'person' includes an individual, a partnership, or an association, and that the term 'food' means articles used for food or drink, or articles used for components of any such article.

"It is the contention of the Government that on January 10, 1944, the Spitz firm shipped from its New York place of business to Frank Burns Inc., in Philadelphia, 20 200-pound bags of sesame seed; and that on January 28, 1944, there was another shipment of 7 bags of sesame seed to Philadelphia, and that both shipments were adulterated in that the seed contained various filthy substances.

"It is the contention of the defendant that the filthy substances which were found in the seed on the 17th of February, 1944, were not in the seed at the time the seed was shipped, and that the infestation occurred after the shipment of the seed.

"You are instructed that sesame seed is food within the meaning of the Food and Drug Act. You are further instructed that this shipment was in interstate commerce.

"There does not seem to be any dispute over the fact that filth was found in the seed on the 17th of February at the Burns plant in Philadelphia. So that the only question for you to determine is, was the filthy substance in the seed at the time that it was shipped?

"The contention of the Government is that it was in the seed. Although I ordinarily do not refer to facts in the case in a charge to the jury, I call your attention to some of the testimony in the case for the purpose of directing your attention to the question at issue.

"Evidence has been introduced by the Government through the testimony of one or more experts that the filthy substance, the larvae which you and I probably would call worms and insects, both dead and alive, if they were there, could not have reached the growth that they did during the period of shipment and the date of discovery. In other words, that the filth could not have reached the development to which it had developed between the 10th day of January, 1944, which was the date of the first shipment, and the date of the discovery, February 17th; and could not have reached the development to which it had developed between January 28, 1944, which was the date of the second shipment, and February 17th, the date of the discovery.

"On the other hand, the defendant has introduced testimony that the defendant's machine, the testing and cleaning machine, was of the highest standard, and also testimony as to the defendant's fumigation process all as evidence of the fact that the filth could not have existed in the seed at the time of the shipment.

"So that the question for you to determine under count one, in plain, simple language, is this: Were those foreign substances in the seed at the time the seed was shipped on January 10th? If it was, the defendant is guilty as to count one. If it was not in the seed on January 10th, the defendant is not guilty as to count one.

"If the filth was in the seed that was shipped on January 28th at the time of the shipment, then the defendant is guilty as to the second count. If the filth was not in the seed on January 28th, the defendant is not guilty as to count two.

"The question of intent or knowledge is not an element in this case. Any shipper of food in interstate commerce ships at his peril, so far as the Food and Drug Act is concerned, and if there is filth in the food, whether the defendant knew it or not, or whether he intended it to be there or not, is not an element in this case.

"The only question for your determination is, was the filth in the food at the time that it was shipped. Intent is not part of the crime with which the partnership is charged. If the defendant introduced the sesame seed into interstate commerce, and it contained a filthy substance when so introduced, or when shipped, then the defendant is guilty, regardless of intent or lack of knowledge that the seed contained filthy substances.

"In other words, in order to find the defendant guilty it is not necessary for you to find that he had the guilty knowledge or wrongful intent at the time he shipped the sesame seed. Regardless of the defendant's lack of knowledge, if the seed contained filthy substances, if you find that when the merchandise was shipped in interstate commerce it did contain filthy substances, then you must find the defendant guilty.

"If you find that the facts as alleged by the Government have not been proved beyond a reasonable doubt, then your verdict will be that the defendant is not guilty. If, however, you find that the facts as alleged by the Government have been proved beyond a reasonable doubt, then your verdict will be that the defendant is guilty.

"It is, of course, your duty to reconcile conflicting testimony, if you can, on the theory that all of the witnesses have sworn to the truth, but if you cannot do that, then you are to determine from all the evidence before you, which of the witnesses is entitled to the greater credit.

"It is proper that I should add that your verdict in this case should not be controlled by contradictions on minor points, provided the evidence taken as a whole, after making all due allowances for any such contradiction, leads you to a fixed conclusion of the guilt of the defendant. If the evidence so taken does not satisfy you beyond a reasonable doubt, as already defined, that the defendant is guilty, he should be acquitted. If, however, the evidence does so satisfy you beyond a reasonable doubt, your verdict should be that he is guilty.

"In this action I charge you that as to the complaint of the defendant as to the absence of the witness Miller, you are instructed that the Government is not obliged to furnish witnesses for the defendant. The defendant had just as much right to call the witness Miller as did the Government, and the processes of this court to obtain Miller's presence was as open to the defendant as it was to the Government.

"Once again, briefly the question for you to decide on count one is, was the filth in the bags or in any of the bags when they were shipped on January 10th?

"As to count two, was the filth in the bags or any of them at the time they were shipped on January 28th? That is the only question for you to determine.

"As I have already said, you are the sole judges of the credibility of the witnesses, the weight to be given to their testimony, and the weight and effect that evidence, whether oral or documentary.

"While it is the exclusive function of the Court to present to you the principles of law applicable to the case, it is your exclusive function to pass upon the facts and the evidence and reach a conclusion subject to the principles of law as presented to you by the Court. The case is for you to decide upon the evidence and the evidence alone.

"You must not be influenced by assumption, conjecture, sympathy or by inferences not warranted by facts proved to your satisfaction.

"Your oath sums up your duty, and that is without fear or favor of any man that you will well and truly try and true deliverance make between the defendant and the United States of America, according to the evidence given to you in court and the law of the United States.

"Take the case and consider it in view of its importance and the gravity of the charges made in the information. It is important to the public. It is also important to the defendant.

"You will not concern yourselves about the sentence for this offense, if there is one, because that is a matter solely for the Court and not for your consideration.

"Your verdict will be oral and will be either guilty or not guilty on each of the counts. It will be announced by your foreman when called upon to report for you.

"There have been a great many exhibits introduced in the case. You are entitled to have any of these exhibits or all of them in the juryroom during your deliberations, if you will make your wants known to the officer in charge.

"Are there exceptions, Mr. Rosoff?"

MR. ROSOFF: "I have no exceptions, if the Court please, but I respectfully request your Honor to charge that that side which calls a witness vouches for his credibility, and I ask your Honor to so charge with reference to the witness Miller."

THE COURT: "I do charge that whichever side calls a witness vouches for his credibility, but the Government did not call the witness Miller as a witness."

MR. ROSOFF: "I respectfully except to the charge as given. I respectfully ask your Honor to charge that the uncontradicted evidence is that the witness Miller was in the court on Monday and Tuesday."

THE COURT: "No, I will charge no such thing."

MR. ROSOFF: "I respectfully except."

THE COURT: "You may have an exception."

MR. ROSOFF: "I respectfully ask your Honor to charge that if the evidence may be construed equally, consistent with the guilt or innocence of the defendant, it must be construed to find the defendant innocent."

THE COURT: "That is true. That is the law. I so charge."

MRS. SHIENTAG: "I would respectfully request the Court to charge that it is not necessary for the jury to find that the adulteration and that the filth would have constituted a danger to health, contained in Government's request number three."

THE COURT: "Yes, I will so charge. The jury are instructed that if an article be unlawfully adulterated in violation of the Food and Drug Act, it is not necessary that it must be dangerous to health. Your concern should be simply to find as to the question of whether the seed was adulterated; I so charge you, and that the elements found in the seed on the 17th of February was an adulteration within the meaning of the Act."

MR. ROSOFF: "I did omit to request one more charge, and that is that there is eliminated from this case on the defendant's motion that portion of each count which purports to allege that the food was adulterated by reason of

insanitary conditions existing in the premises. I mean to give it in the words of the information, if the Court please, the second part of each count."

THE COURT: "Yes. The jury is instructed that the last part of each count in the information has been dismissed."

MR. ROSOFF: "May I respectfully request your Honor to read, or perhaps I should read, that part which is to be excluded in the deliberations of the jury."

THE COURT: "Yes, I will read it. It is the last part of the first count and it is this: 'That said food, when introduced and delivered for introduction into interstate commerce, was further adulterated in that it had been held under insanitary conditions whereby it may have become contaminated with filth, against the peace and dignity of the United States.' That has been dismissed."

"The last part of the second count reads as follows: 'That said food, when introduced and delivered for introduction into interstate commerce as aforesaid, was further adulterated in that it had been held under insanitary conditions whereby it may have become contaminated with filth; against the peace of the United States and their dignity.' That also has been dismissed."

MR. ROSOFF: "Thank you, sir."

MRS. SHIENTAG: "May I make one further request with reference to count two of the information? That count charges that the adulteration consisted of the matters set forth in the Court's charge, and in addition another item, rodent pellets."

THE COURT: "Yes, I read that to the jury when I gave them the substance of the counts."

"You may take the case, ladies and gentlemen. You will be in charge of the officer."

The jury then retired and, after due deliberation, returned a verdict of guilty. The court imposed a fine of \$500 on each of the 2 counts, a total fine of \$1,000.

8644. Adulteration of Oregano (spice) and adulteration and misbranding of imitation white pepper. U. S. v. Hugh C. Donnell (Golden Light Coffee Co.) Plea of guilty. Fine, \$600. (F. D. C. No. 16502. Sample Nos. 26039-H, 26044-H.)

INFORMATION FILED: September 7, 1945, Northern District of Texas, against Hugh C. Donnell, trading as the Golden Light Coffee Co., at Amarillo, Tex.

ALLEGED SHIPMENT: On or about February 21 and 26, 1945, from the State of Texas into the State of New Mexico.

LABEL, IN PART: "Golden Light Spices * * * Oregano," or "Imit. White Pepper Golden Light Spices."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insect fragments, rodent hairs, and a feather barbule in the Oregano, and a mouse pellet with rodent hairs attached in the imitation white pepper; and, Section 402 (a) (4), the products had been prepared, packed, and held under insanitary conditions whereby they might have become contaminated with filth.

Misbranding, Section 403 (i) (2), the imitation white pepper was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: October 15, 1945. A plea of guilty having been entered, the defendant was fined \$600.

8645. Adulteration and misbranding of fenugreek. U. S. v. 115 Bags of Fenugreek. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12206. Sample No. 64861-F.)

LIBEL FILED: April 27, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about June 29, 1943, by the J. B. Gruman Co., Inc., from Newark, N. J.

PRODUCT: 115 200-pound bags of fenugreek at Seattle, Wash.

LABEL, IN PART: "200 Net Condition Powder J. B. Gruman Co. Inc. Newark, N. J."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and insect fragments.

Misbranding, Section 403 (i) (1), the label failed to bear the common or usual name of the product.

DISPOSITION: October 4, 1945. The J. B. Gruman Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as stock feed, under the supervision of the Federal Security Agency.

8646. Adulteration of ginger. U. S. v. 127 Bags of Ginger (and 2 other seizure actions against ginger). Consent decrees of condemnation. Product ordered released under bond. (F. D. C. No. 15641. Sample Nos. 22633-H, 22639-H, 22640-H.)

LIBELS FILED: March 17, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about June 26, 1944, by Volkart Brothers, from New Orleans, La.

PRODUCT: 198 180-pound bags and 8 200-pound bags of ginger at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect fragments.

DISPOSITION: April 5, 1945. The David G. Evans Coffee Co., St. Louis, Mo., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be destroyed or brought into compliance with the law, under the supervision of the Food and Drug Administration.

8647. Adulteration of ground ginger. U. S. v. 9 Cartons of Ground Ginger. Default decree of condemnation and destruction. (F. D. C. No. 15873. Sample No. 26053-H.)

LIBEL FILED: April 10, 1945, Northern District of Texas.

ALLEGED SHIPMENT: On or about January 3, 1944, by Spices, Inc., from Los Angeles, Calif.

PRODUCT: 9 cartons, each containing 24 2-ounce boxes, of ground ginger at Sweetwater, Tex.

LABEL, IN PART: "El Rey Ginger Spices Inc. Los Angeles."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance, insect fragments and rodent hairs, and it was unfit for human consumption.

DISPOSITION: October 1, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8648. Adulteration and misbranding of imitation black pepper. U. S. v. 299 Cards of Imitation Black Pepper. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16743. Sample No. 21867-H.)

LIBEL FILED: June 30, 1945, Western District of Tennessee.

ALLEGED SHIPMENT: On or about April 21, 1945, by the Gem Packing and Sales Co., from Houma, La.

PRODUCT: 299 cards (each with 16 envelopes attached) of imitation black pepper at Covington, Tenn. The product was short-weight, and the printing on the envelopes was practically illegible.

LABEL, IN PART: (Cards) "Bayou Maid Black Pepper"; (envelopes) "Bayou Maid Imitation Black Pepper * * * Made with Roasted Rye, Bran Flour, Pepper, Parts of Cotton Seed and Wheat Flour 1½ Oz. Net Weight."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance consisting essentially of ground buckwheat hulls, wheat flour, corn meal, salt, and a pungent flavoring, and containing little, if any, pepper, had been substituted in whole or in part for black pepper.

Misbranding, Section 403 (a), the designation on the cards, "Black Pepper," was false and misleading as applied to a mixture consisting of the above-named ingredients; Section 403 (c), the product was an imitation of black pepper, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (f), the name and place of business of the manufacturer, packer, or distributor, the statement of the quantity of the contents, and the common or usual name of each ingredient, required by law to appear on the label, were not prominently displayed thereon with such conspicuousness (as compared with other words, statements, designs, or

devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: July 31, 1945. The Gem Packing and Sales Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

8649. Adulteration and misbranding of popcorn seasoning. U. S. v. 40 Drums and 45 Drums of Pop Corn Seasoning. Default decree of condemnation and destruction. (F. D. C. Nos. 16987, 16988. Sample Nos. 31356-H, 31357-H.)

LIBEL FILED: August 3, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about June 8 and 15, 1945, by the Suzanne Processed Oil Co., from Boston, Mass.

PRODUCT: 40 drums and 45 drums, each containing 435 pounds, of popcorn seasoning at Los Angeles, Calif.

LABEL, IN PART: "Flow Brand Pop Corn Seasoning Full Flavored Pure and Wholesome Contains Soya Bean Oil Artificially flavored with butyric acid, esters, artificially colored."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, soybean oil, had been essentially removed from the article; Section 402 (b) (2), artificially flavored and artificially colored nonnutritive mineral oil had been substituted in whole or in part for popcorn seasoning containing soybean oil, which the article was represented to be; and, Section 402 (b) (4), (1) mineral oil, having no food value, had been added to the article and mixed and packed with it so as to reduce its quality or strength; (2) yellow artificial color had been added to the article and mixed and packed with it so as to make it appear to be an edible oil, which oil is better and of greater value than mineral oil.

Misbranding, Section 403 (a), the label statement, "Contains Soya Bean Oil Artificially flavored with butyric acid, esters, artificially colored," was false and misleading as applied to the article, which consisted essentially of artificially flavored and colored mineral oil containing little or no soybean oil.

DISPOSITION: October 12, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8650. Adulteration and misbranding of lemon oil. U. S. v. 4 Cans of Lemon Oil. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 16303. Sample No. 4727-H.)

LIBEL FILED: May 26, 1945: Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 16, 1945, by T. M. Duche & Sons, Inc., from New York, N. Y.

PRODUCT: 4 25-pound cans of lemon oil at Philadelphia, Pa.

LABEL, IN PART: "Calif. Oil of Lemon USP 25# Net Dagger Brand."

NATURE OF CHARGE: Adulteration, Section 402 (b), a valuable constituent, oil of lemon, had been in whole or in part omitted from the article.

Misbranding, Section 403 (a), the label statement, "Oil of Lemon USP," was false and misleading as applied to a product which was not oil of lemon, U. S. P.

DISPOSITION: October 16, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

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PRODUCTS

	N. J. No.		N. J. No.
Alfalfa meal and alfalfa leaf meal	¹ 8587, 8588	Beets. See Borscht.	
Almonds	8642	Beverages and beverage materials	² 8501-8510
Bakery products	8517-8528	Blended flour	8543
Bean(s), green, canned	8609	Borscht	8612
kidney	8610	Bread	8517-8523
sprouts	8611	Bromated flour	8546
soy	8611		

¹ (8587) Permanent injunction issued.

² (8502) Seizure contested. Contains findings of fact and conclusions of law.

	N. J. No.		N. J. No.
Buns	8520	Noodles, egg	8511, 8512, 8515
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		Whiting, frozen	8597-8599
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¹ (8587) Permanent injunction issued.² (8502) Seizure contested. Contains findings of fact and conclusions of law.³ (8643) Prosecution contested. Contains instructions to the jury.

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Acme Flour Mills Co.:		Central Avenue Dairy, Inc.:	
flour -----	8535	cheese -----	8581
Albert's Products Co.:		Chandler Laboratories:	
loganberry punch -----	8501	Effect-O -----	8504, 8505
Alford Bros.:		Chicago Pie Co.:	
self-rising flour -----	8553	pies and cakes -----	8526
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Amarillo Baking Co.:		City Mills Co.:	
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American Fillet Co.:		Clara Val Packing Co.:	
frozen rosefish -----	8595	dried figs -----	8603
American Licorice Co.:		Cole, H. C., Milling Co.:	
candy -----	8563	flour -----	8536
Anchor Storage Co.:		Consolidated Dairy Products:	
Effect-O -----	8505	butter -----	8572
Armada Food Products Co., Inc.:		Consolidated Nut Co.:	
grated cheese -----	8583	shelled walnuts -----	8641
Arthur Canneries:		Cosmo Packing Co.:	
tomato puree -----	8633	mixed salted nuts -----	8639
Bay State Milling Co.:		Cosmo Salads, Inc.:	
flour -----	8537	borscht, creamed borscht, and	
Beatrice Creamery Co.:		scharb soup -----	8612
butter -----	8577	Crow, E. M.:	
Beaty Food Products, Inc.:		alfalfa meal and alfalfa leaf	
bread and rolls -----	8519	meal -----	8587
Belch, C. J., Sr.:		Cumberland Macaroni Mfg. Co.:	
salt herring -----	8593	egg noodles -----	8515
Bell Bakeries, Inc.:		Davis Nut Shelling Co.:	
bread and rolls -----	8521	shelled walnuts and almonds -----	8642
Bertola, A., & Co.:		Deck Brothers Produce Co.:	
vinegar -----	8627	spinach -----	8625
Bewley Mills:		Demartini, L., Co.:	
enriched flour -----	8556	walnut halves and pieces -----	8640
Black, L. A.:		Denbo, R. H., Canning Co.:	
rice -----	8562	tomato juice -----	8629
Blue Moon Foods, Inc.:		Denver Alfalfa Milling & Prod-	
nonfat milk solids -----	8586	ucts Co.:	
Blue Valley Creamery Co. <i>See</i>		alfalfa meal and alfalfa leaf	
Beatrice Creamery Co.		meal -----	8588
Bobs Candy and Peanut Co.:		Detroit Harbor Terminals:	
candy -----	8564	dates -----	8601
Borden Cheese Co.:		Deutschman Marshall & Co.:	
cocktail spreads -----	8585	butter -----	8576
Bravo Cheese Factory:		Donnell, H. C.:	
cheese -----	8582	spice and imitation white pep-	
Brock Candy Co.:		per -----	8644
candy -----	8568	Draper-Valley Distributors, Inc.:	
California Associated Products		butter -----	8576
Co.:		Duche, T. M., & Sons, Inc.:	
orange-, lemon-, and grape-		lemon oil -----	8650
flavored sirups -----	8510	Eagle Roller Mill Co.:	
California Fireproof Storage and		rye flour and plain flour -----	8550
Transfer Co.:		East Side Baking Co.:	
plain flour and macaroni flour -----	8539	pastry flour -----	8545
Cape County Milling Co.:		Eavey Co.:	
phosphated flour -----	8547	canned peas -----	8616
Cardinale Macaroni Mfg. Co.,		Egg-O-Milk Co.:	
Inc.:		poultry and cattle feed -----	8590
macaroni and noodle products -----	8513	Elsa Canning Co.:	
		tomato puree -----	8635

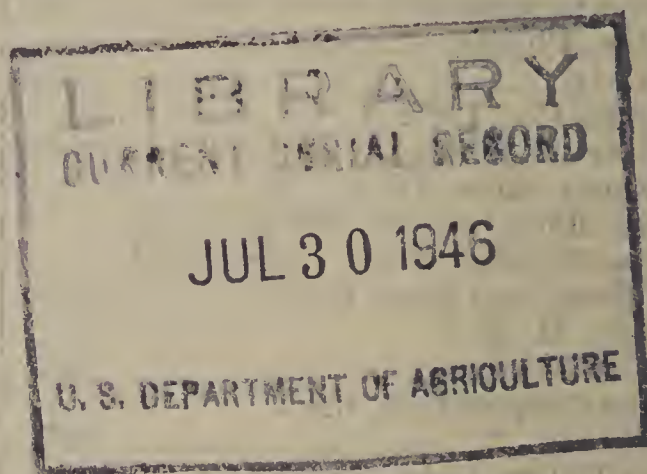
	N. J. No.		N. J. No.
Empire Freight Co.:		Heckerman, Calton:	
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Evangeline Pepper & Food Products:		Henderson Roller Mills Co., Inc.:	
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Favro Macaroni Mfg. Co.:		Industrias Ferro:	
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Festive Products. <i>See</i> Luft, Emil.		International Milling Co.:	
Fidelity Storage & Salvage Co.:		whole wheat flour and plain flour-----	8554
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Flakall Corp.:		macaroni and noodle products-----	8512
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tomato paste-----	8632	Jones Grocery Co.:	
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Frito Co., Inc.:		Kroger Grocery & Baking Co.:	
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Gerard Milk Products Co.:		Maloney Warehouse No. 3:	
poultry and cattle feed-----	8591	flour -----	8538
Gerde, Newman and Co.:		Manchester Biscuit Co. <i>See</i>	
flour -----	8540	United Biscuit Co. of America.	
Goldblatt Bros., Inc.:		Manley, Inc.:	
bread, doughnuts, and hard and sweet rolls-----	8518	popcorn -----	8559
Golden Light Coffee Co. <i>See</i> Donnell, H. C.		Marr, H. A., Grocery Co.:	
Greene Products Co.:		coffee-----	8509
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Gresham Berry Growers:		butter -----	8576
frozen cherries-----	8600	Marshall Canning Co.:	
Gruman, J. B., Co., Inc.:		spinach -----	8625
fenugreek -----	8645	Marshall, Deutschman, & Co. <i>See</i>	
Gulf Florida Terminal Co., Inc.:		Deutschman Marshall & Co.	
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Gulley Grocery Co.:		potatoes and onions-----	8621
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Hardie Brothers Co.:		Mathews Produce Co.:	
candy -----	8566	potatoes and onions-----	8621
Harp, O. G., Poultry & Egg Co.:		Milk Producers Assoc. of Central California:	
butter -----	8579	butter -----	8574
Hart and Howell Co.:		Milkmalt Co.:	
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Hartley Creamery:		Miller, Russell, Milling Co.:	
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Hartley Grocery Co.:			
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	N. J. No.		N. J. No.
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sauerkraut -----	8623	Ser Baking Co.:	
Morris Fisheries of Massachu-		rye wafers (hardtack) -----	8527
setts, Inc.:		Sethness Products Co.:	
frozen rosefish -----	8595	505 Fermentation Inhibitor ---	² 8502, 8503
New England Dairies, Inc.:		Seymour Canning Co.:	
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Oriental Food Products Co.:		Slade Gorton Co.:	
soybean sprouts and bean		frozen whiting -----	8598
sprouts -----	8611	Southland Canning & Packing Co.,	
Orleans Seafood Co.:		Inc.:	
canned oysters -----	8594	canned oysters -----	8594
Ottenberg, Melvin:		Sparks Pickle Co.:	
bread, buns, and rolls -----	8520	dill pickles -----	8620
Ottenberg's Bakery. <i>See</i> Otten-		Spices, Inc.:	
berg, Melvin.		ground ginger -----	8647
Pacific Raisin Co.:		Spitz, R. J.:	
raisins -----	8605	sesame seed -----	³ 8643
Pastene & Co., Inc.:		Standard Coffee Company, Inc.:	
tomato paste and tomato sauce	8630	fruit cake -----	8528
Phelps, Phoebe, Caramel Co.:		Standard Fish Co.:	
candy -----	8567	frozen whiting -----	8599
Phillips Co., Inc.:		Standard Milling Co.:	
assorted jellies -----	8608	rye flour and plain flour -----	8549
Pillsbury Mills, Inc.:		Stein-Hall Mfg. Co.:	
rye flour, whole wheat flour,		blended flour -----	8543
self-rising flour, phosphated		Sterling Canning Co.:	
flour, and plain flour -----	8548	canned corn -----	8613
Pippin, H. M.:		Stratton & Co.:	
corn meal -----	8533	pastry flour -----	8544
Plains Cooperative, Inc.:		Stuart, Sebastian, Fish Co.:	
butter -----	8573	canned salmon -----	8596
Pond Village Cold Storage Co.:		Sun Garden Packing Co.:	
frozen whiting -----	8597	tomato paste -----	8631
Pure Foods Corp.:		puree -----	8634
peach flow -----	8507	Superior Macaroni Co.:	
Red & White Corp.:		macaroni and cheese dinner and	
coffee -----	8509	Chili-Mac dinner -----	8516
Reedsburg Foods Corp.:		Suzanne Processed Oil Co.:	
canned peas -----	8616	popcorn seasoning -----	8649
Rickerson's Olean Bakery:		Swift and Co.:	
cookies -----	8525	butter -----	8571
Rocky Bay Fishing Co.:		Thomas and Howard Co.:	
frozen whiting -----	8598	rice -----	8560
Royal Canning Co. of Oregon:		Torbett, Mac.:	
canned green beans -----	8609	candy -----	8564
S & W Fine Foods, Inc.:		Tusan Packing Co.:	
tomato paste and tomato sauce	8630	raisins -----	8606
St. Marys Packing Co.:		United Biscuit Co. of America:	
tomato puree -----	8637	cookies -----	8524
Saunders, C. M.:		United Date Growers of Califor-	
alfalfa meal and alfalfa leaf		nia:	
meal -----	¹ 8587	dates -----	8602
Saunders Mills, Inc.:		United Farmers Cooperative	
alfalfa meal and alfalfa leaf		Creamery Assoc., Inc.:	
meal -----	¹ 8587	butter -----	8578
Schmid, Joe:			
Limburger cheese -----	8584		

¹ (8587) Permanent injunction issued.

² (8502) Seizure contested. Contains find-
ings of fact and conclusions of law.
³ (8643) Prosecution contested. Contains
instructions to the jury.

	N. J. No.		N. J. No.
United Food Sales:		Waldo Canning Co.:	
assorted jellies-----	8608	canned peas-----	8617
Van Lill, S. J., Co.:		Webster-Thomas Co.:	
tomato catsup-----	8628	tomato puree-----	8633
Vaughan Grocery Co.:		Welaka Fish & Produce Co. See	
corn meal-----	8534	Belch, C. J., Sr.	
Vitapep Products, Inc.:		Western California Cannery:	
dog food-----	8592	tomato paste and tomato sauce--	8630
Volkart Brothers:		Whyte Feed Mills:	
ginger-----	8646	poultry mash and dairy feed--	8589
Waldies Chocolate Co., Inc.:		Young & Patterson:	
candy-----	8569	dried peppers-----	8619



FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

8651-8800

FOODS

The cases reported herewith were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

MAURICE COLLINS, *Acting Administrator, Federal Security Agency.*
WASHINGTON, D. C., June 27, 1946.

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BEVERAGES AND BEVERAGE MATERIALS

8651. Adulteration of beer and ale. U. S. v. 12,770 Cases of Beer and Ale (and 1 other seizure action against beer and ale). Consent decrees of destruction. (F. D. C. Nos. 14055, 15802. Sample Nos. 63580-F to 63585-F, incl., 11524-H.)

LIBELS FILED: October 19, 1944, and April 6, 1945, Eastern District of South Carolina and District of Massachusetts.

ALLEGED SHIPMENT: Between the approximate dates of September 14, 1944, and February 23, 1945, by the Commonwealth Brewing Corporation, from Springfield, Mass., and by the Tru Blu Co., from Norfolk, Va. The shipment of February 23 was a return shipment made by the Tru Blu Co. to the Commonwealth Brewing Co.

PRODUCT: 12,770 cases, each containing 24 12-ounce bottles, of beer and ale at Columbia, S. C., and 848 similar cases of beer and ale at Springfield, Mass.

LABEL, IN PART: "Gold Medal Tivoli Beer," "Dartmouth Cream Ale," "Bay State Ale," "New England Ale," or "Bay State Beer."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the articles contained an added poisonous and deleterious substance, fluorine, which was unsafe within the meaning of the law since it was not required in their production and could have been avoided by good manufacturing practice.

DISPOSITION: April 6 and June 8, 1945. The L. P. Wine and Beer Co., Columbia, S. C., and the Commonwealth Brewing Corporation, claimants, having consented to the entry of decrees, judgments were entered ordering the destruction of the beer and ale and the release of the empty containers to the claimants.

8652. Misbranding of liquid stabilizer. U. S. v. 14 Jugs of Liquid Stabilizer. Default decree of condemnation and destruction. (F. D. C. No. 15274. Sample No. 93612-F.)

LIBEL FILED: March 1, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about April 18, 1945, by Edward I. Lowell, from New York, N. Y.

PRODUCT: 14 1-gallon jugs of liquid stabilizer at Bloomfield, N. J.

LABEL, IN PART: "Liquid Stabilizer An Inhibitor Containing Monochloracetic Acid," or "Liquid Stabilizer."

NATURE OF CHARGE: Misbranding, Section 403 (a), the name of the article "Liquid Stabilizer," was misleading since it created the impression that the article was wholesome and suitable for use by man as a component of foods, whereas its labeling failed to reveal the material fact that monochloracetic acid is a poisonous and deleterious substance, which caused the article to be a poisonous and deleterious substance and rendered it unwholesome and unsuitable for use by man as a component of foods.

DISPOSITION: May 11, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8653. Adulteration of tomato juice. U. S. v. 498 Cases of Tomato Juice. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15369. Sample No. 3019-H.)

LIBEL FILED: March 12, 1945, District of Columbia.

ALLEGED SHIPMENT: On or about January 12, 1945, by The Adams Apple Products Corporation, from Aspers, Pa.

PRODUCT: 498 cases, each containing 6 3-quart cans, of tomato juice at Washington, D. C.

LABEL, IN PART: "D. Mann Pure Natural Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: June 25, 1945. The Adams Apple Products Corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the good portion be segregated from the bad under the supervision of the Food and Drug Administration.

8654. Adulteration and misbranding of tomato juice. U. S. v. 1,036 Cases of Tomato Juice. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 15121. Sample No. 98437-F.)

LIBEL FILED: January 29, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about November 21, 1944, by the Albany Canning Co., Albany, Oreg.

PRODUCT: 1,036 cases, each containing 24 unlabeled No. 2½ tins, of a product at St. Louis, Mo., which was invoiced as tomato juice.

LABEL, IN PART: (Cases) "24 No. 2½ Tins Tomato Pulp."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (e) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear an accurate statement of the quantity of the contents; Section 403 (g) (1), it was invoiced as tomato juice, a food for which a definition and standard of identity has been prescribed by the regulations, but it failed to conform to the definition and standard since it was not free from skins and seeds; and, Section 403 (g) (2), the label failed to bear the name of the food specified in the definition and standard.

DISPOSITION: April 3, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution, conditioned that the unfit portion be segregated and destroyed, or denatured, by that institution.

8655. Misbranding of grapefruit juice. U. S. v. 1,999 Cases of Grapefruit Juice. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15344. Sample No. 5607-H.)

LIBEL FILED: March 7, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about July 6 and August 1, 1944, by the Reagan Canning Co., from McAllen, Tex.

PRODUCT: 1,999 cases, each containing 24 cans, of grapefruit juice at Kearny, N. J. Examination showed that while the contents of a few of the cans sampled were grade A, the contents of most of them were below grade A in quality due to the off-color and off-flavor of the juice.

LABEL, IN PART: "Glenwood Brand Grapefruit Juice. Unsweetened Grade A * * * Distributed by American Stores Co., Phila., Pa."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Grade A" was false and misleading as applied to a product which was not of grade A quality.

DISPOSITION: August 13, 1945. The Reagan Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

8656. Misbranding of apricot juice. U. S. v. 14 Cases of Apricot Juice. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 14565. Sample No. 73884-F.)

LIBEL FILED: November 24, 1944, District of Arizona.

ALLEGED SHIPMENT: On or about August 30, 1944, by the Utt Juice Co., Tustin, Calif.

PRODUCT: 14 cases, each containing 24 1-pint bottles, of apricot juice at Yuma, Ariz.

LABEL, IN PART: (Bottle) "Queen Isabella Brand Apricot Juice * * * Fruit Juices are carefully prepared so as to retain the maximum flavor and value of the fresh fruit."

NATURE OF CHARGE: Misbranding, Section 403 (a), the statement on the label, "Fruit juices are especially high in vital blood minerals and organic acids necessary to correct and maintain normal blood alkalinity and food assimilation," was false and misleading since the product was not especially high in vital blood minerals and organic acids and would not correct and maintain normal blood alkalinity and food assimilation.

DISPOSITION: January 12, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

8657. Adulteration and misbranding of fountain sirups. U. S. v. 5 Cases of Fountain Syrups. Default decree of condemnation and destruction. (F. D. C. No. 15315. Sample Nos. 417-H to 420-H, incl.)

LIBEL FILED: On or about February 27, 1945, Southern District of Georgia.

ALLEGED SHIPMENT: On or about December 21, 1944, by the Reco Sales Co., from New York, N. Y.

PRODUCT: 5 cases, each containing 4 1-gallon jugs, of fountain sirups at Savannah, Ga.

LABEL, IN PART: (Jars) "Reco Flavored Fountain Syrup Maple [or "Cherry," "Vanilla," or "Pineapple"]."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), artificial color and artificial flavor had been added to the products and mixed and packed with them so as to make them appear better or of greater value than they were.

Misbranding, Section 403 (a), the label statements, "Reco Flavored Fountain Syrup Maple [or "Cherry," "Vanilla," or "Pineapple"]," were false and misleading as applied to the articles since they were solutions of sugar and water artificially flavored and colored to simulate fountain sirups possessing the designated flavors; Section 403 (c), the products were imitations of other foods, and the labels failed to bear, in type of uniform size and prominence, the word "Imitation" and, immediately thereafter, the name of the food

imitated; and, Section 403 (k), they contained artificial flavoring and artificial coloring, and they failed to bear labeling stating that fact.

DISPOSITION: March 22, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8658. Misbranding of coffee. U. S. v. Coffee Corporation of America. Plea of nolo contendere to counts 2 and 3; fine, \$600 and costs. Judgment of not guilty on count 1. (F. D. C. No. 11426. Sample Nos. 35558-F, 49621-F, 49622-F.)

INFORMATION FILED: February 2, 1945, Northern District of Illinois. Information in 3 counts against the Coffee Corporation of America, Chicago, Ill.

ALLEGED SHIPMENT: Between the approximate dates of August 30 and November 17, 1943, from the State of Illinois into the States of North Carolina and New York.

LABEL, IN PART: (Portion of jar labels) "Arrow Blend Vacuum Coffee One Pound Net Weight * * * Distributors Buffalo Sugar and Coffee Service Buffalo, N. Y."; (remainder) "Coffee One Pound Net Weight."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "One Pound Net Weight" were false and misleading since the jars contained less than 1 pound net weight; and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: June 14, 1945. A plea of nolo contendere having been entered on behalf of the defendant to count 2 and count 3, the court imposed a fine of \$600 on those counts. The court found the defendant not guilty on count 1.

CEREALS AND CEREAL PRODUCTS*

BAKERY PRODUCTS

8659. Adulteration of bread. U. S. v. Charles Peterson (Original Wonder Bakers). Plea of nolo contendere. Fine, \$300 and costs. (F. D. C. No. 12588. Sample Nos. 50192-F, 50199-F, 50243-F.)

INFORMATION FILED: October 10, 1944, Western District of Pennsylvania, against Charles Peterson, trading as the Original Wonder Bakers, Pittsburgh, Pa.

ALLEGED SHIPMENT: On or about January 4 and March 18, 1944, from the State of Pennsylvania into the State of Ohio.

LABEL, IN PART: (One shipment of bread) "Original Wonder Bread."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, hairs resembling rodent hairs, and a cat hair.

DISPOSITION: November 24, 1944. The defendant having entered a plea of nolo contendere to all counts, the court imposed a fine of \$100 on count 2 and continued the case as to counts 1 and 3 until the May term of court. On October 25, 1945, the court imposed a fine of \$100 on each of the two remaining counts, a total fine of \$200, plus costs.

8660. Adulteration of ice cream cones. U. S. v. 5 Cases, 10 Cases, and 5 Cases of Ice Cream Cones. Default decree of condemnation. Product ordered used for hog feed. (F. D. C. No. 15156. Sample Nos. 99151-F to 99153-F, incl.)

LIBEL FILED: January 24, 1945, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about December 26, 1944, by the Crispo Cake Cone Co., St. Louis, Mo.

PRODUCT: 10 cases, each containing 10 100-cone cartons, and 10 cases, each containing 4 250-cone cartons, of ice cream cones at East St. Louis, Ill.

LABEL, IN PART: "Crispo Sugar [or "Cup Sugar," or "Flavor-ized Flare Tops"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: February 13, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered used for hog feed.

*See also No. 8763.

FLOUR

Nos. 8661 to 8672 report actions involving flour that was insect- or rodent-infested, or both. (In those cases in which the time of contamination was known, that fact is stated in the notice of judgment.) In addition, the flour reported in Nos. 8673 and 8674 failed to meet the standard for enriched flour.

8661. Adulteration of flour. U. S. v. 81 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 15114. Sample No. 412-H.)

LIBEL FILED: January 30, 1945, Southern District of Georgia.

ALLEGED SHIPMENT: On or about December 5, 1944, from Greenville, Tex.

PRODUCT: 81 100-pound bags of flour at Savannah, Ga., in the possession of the International Milling Co. The flour was stored under insanitary conditions after shipment. The bags had been rodent-gnawed, and rodent pellets and urine stains were observed on them. Examination of the article showed that it was contaminated with rodent urine.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: February 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8662. Adulteration of flour. U. S. v. 294 Bags of Flour. Consent decree ordering product released under bond. (F. D. C. No. 15004. Sample No. 29022-H.)

LIBEL FILED: January 20, 1945, Northern District of California.

ALLEGED SHIPMENT: On or about June 22, 1944, by the Collins Flour Mills, from Pendleton, Oreg.

PRODUCT: 294 100-pound bags of flour at San Francisco, Calif.

LABEL, IN PART: "Upright Pure Bluestem Bakers Patent Flour Bleached."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect excreta.

DISPOSITION: March 14, 1945. The Coast Dakota Flour Co., claimant, having consented to the entry of a decree, judgment was entered ordering the product released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

8663. Adulteration of flour. U. S. v. 52 Bags of Flour. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 15257. Sample No. 434-H.)

LIBEL FILED: February 12, 1945, Middle District of Georgia.

ALLEGED SHIPMENT: On or about October 24, 1944, from Evansville, Ind.

PRODUCT: 52 25-pound bags of flour at Cairo, Ga., in the possession of the H. V. Kell Co. This product had been stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent pellets and urine stains were observed on them. Examination showed that the product was contaminated with urine.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: March 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

8664. Adulteration of flour. U. S. v. 1,256 Bags of Flour. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 15225. Sample No. 13410-H.)

LIBEL FILED: February 12, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: On or about October 14, 1944, from Atchison, Kans.

PRODUCT: 1,256 25-pound bags of flour at Toledo, Ohio, in the possession of the Bartley Co. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent pellets were observed on them. Examination showed that the article contained rodent pellets.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3); the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: February 20, 1945. The Bartley Co., claimant, having admitted that a portion of the product was adulterated, judgment of condemnation was entered and the product was ordered released under bond for the purpose of segregating the fit portion and bringing the unfit portion into compliance with the law, under the supervision of the Food and Drug Administration. The unfit flour was in part destroyed, and the remainder was converted into animal feed.

8665. Adulteration of flour. U. S. v. 55 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15413. Sample No. 18215-H.)

LIBEL FILED: February 27, 1945, Northern District of Iowa.

ALLEGED SHIPMENT: On or about February 15 and March 8, 1944, from Crete, Nebr.

PRODUCT: 55 100-pound bags of flour at Dubuque, Iowa, in the possession of the Dubuque Wholesale Grocers. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the article contained rodent excreta, weevils, and larvae.

NATURE OF CHARGE: Adulteration, Section 402 (a), (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: March 24, 1945, the Dubuque Wholesale Grocers, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be destroyed or brought into compliance with the law, under the supervision of the Food and Drug Administration.

8666. Adulteration of plain flour and whole wheat flour. U. S. v. 148 Bags of Plain Flour and 8 Bags of Whole Wheat Flour. Consent decree of condemnation. Product ordered released under bond. F. D. C. No. 15415. Sample Nos. 18219-H to 18221-H, incl.)

LIBEL FILED: February 27, 1945, Northern District of Iowa.

ALLEGED SHIPMENT: April 3, August 5, and October 23, 1944, from Kansas City, Mo.

PRODUCT: 148 100-pound bags of plain flour and 8 98-pound bags of whole wheat flour at Dubuque, Iowa, in the possession of the Dubuque Wholesale Grocers. The article was stored under insanitary conditions after shipment. Rodent excreta was observed on some of the bags. A portion of the bags were rodent-gnawed, and urine stains were observed on them. Examination showed that the article contained rodent excreta, rodent hair, weevils, and larvae.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: March 24, 1945, The Dubuque Wholesale Grocers, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration.

8667. Adulteration of soya flour and Badex (cereal product). U. S. v. 221 Bags of Soya Flour and 35 Bags of Badex. Default decree of condemnation and destruction. (F. D. C. No. 15400. Sample Nos. 29035-H, 29036-H.)

LIBEL FILED: February 22, 1945, Northern District of California.

ALLEGED SHIPMENT: On or about May 1 and October 9, 1943, from Hawthorne and Chicago, Ill.

PRODUCT: 221 100-pound bags of soya flour and 35 125-pound bags of Badex at San Francisco, Calif., in the possession of the Sherwood Co. These products

were stored under insanitary conditions after shipment. Some of the bags of the soya flour were rodent-gnawed, and rodent pellets and urine stains were observed on them. Urine stains were observed on a portion of the bags of the Badex, and examination showed that it was contaminated with urine, and that it contained larvae, insect excreta, and webbing.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they might have become contaminated with filth.

DISPOSITION: March 26, 1945. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

8668. Adulteration of self-rising flour. U. S. v. 162 Bags and 84 Bags of Self-Rising Flour. Default decrees of condemnation and destruction. (F. D. C. Nos. 15090, 15091. Sample Nos. 408-H, 410-H.)

LIBELS FILED: January 25 and 27, 1945, Southern District of Georgia.

ALLEGED SHIPMENT: On or about September 27 and October 19, 1944, from Fort Worth, Tex., and Yukon, Okla.

PRODUCT: 162 25-pound bags and 84 50-pound bags of self-rising flour at Augusta, Ga., in the possession of McElmurray and Co. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent pellets and urine stains were observed on them. Analysis showed that the product contained urine.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: January 28 and March 14, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

8669. Adulteration of self-rising flour. U. S. v. 244 Bags of Self-Rising Flour. Default decree of condemnation and destruction. (F. D. C. No. 15117. Sample No. 413-H.)

LIBEL FILED: January 30, 1945, Southern District of Georgia.

ALLEGED SHIPMENT: On or about November 17, 1944, from Greenville, Tex.

PRODUCT: 244 bags, each containing 10 pounds, of self-rising flour at Savannah, Ga., in the possession of the Berman-Swain Co. The product was stored under insanitary conditions after shipment. Urine stains were observed on the bags, and examination showed that the article was contaminated with rodent urine.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: February 27, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8670. Adulteration of self-rising flour. U. S. v. 685 Bags of Self-Rising Flour. Default decree of condemnation and destruction. (F. D. C. No. 14468. Sample Nos. 62293-F to 62295-F, incl.)

LIBEL FILED: November 13, 1944, Northern District of Mississippi.

ALLEGED SHIPMENT: During the year 1944, by the Hopkinsville Milling Co., from Hopkinsville, Ky.

PRODUCT: 400 10-pound bags, 153 25-pound bags, and 132 50-pound bags of self-rising flour at Columbus, Miss.

LABEL, IN PART: "Hopkinsville USA Enriched Royal Flour Self-Rising Bleached."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and larvae.

DISPOSITION: April 11, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8671. Adulteration of self-rising flour. U. S. v. 84 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 15273. Sample No. 428-H.)

LIBEL FILED: February 15, 1945, Southern District of Georgia.

ALLEGED SHIPMENT: On or about October 12, 1944, by the Shawnee Milling Co., from Shawnee, Okla.

PRODUCT: 84 50-pound bags of flour at Alma, Ga.

LABEL, IN PART: (Bags) "Magic Shawnee's Best Bleached Self Rising Flour Extra Fancy Patent."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine.

DISPOSITION: March 22, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8672. Adulteration of self-rising flour. U. S. v. 240 Bags of Flour. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 15256. Sample No. 433-H.)

LIBEL FILED: February 12, 1945, Middle District of Georgia.

ALLEGED SHIPMENT: On or about November 13, 1944, from Abilene, Kans.

PRODUCT: 240 10-pound bags of flour at Cairo, Ga., in the possession of the Ira Higdon Grocery Co. This product had been stored under insanitary conditions after shipment. Rodent pellets and urine stains were observed on the bags, and examination showed that the product was contaminated with urine.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: March 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

8673. Adulteration and misbranding of enriched self-rising flour. U. S. v. 187 Bags of Flour. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 15192. Sample Nos. 23901-H, 23902-H.)

LIBEL FILED: February 5, 1945, Middle District of Alabama.

ALLEGED SHIPMENT: On or about July 28, 1944, by the Shellabarger Mill and Elevator Co., from Salina, Kans.

PRODUCT: 75 bags and 112 bags, each containing 25-pounds, of self-rising enriched flour at Roanoke, Ala. The 2 lots of flour contained approximately 1.40 milligrams and 1.04 milligrams, respectively, of vitamin B₁ per pound. The definition and standard for enriched flour requires a minimum of 2 milligrams of thiamine (vitamin B₁) per pound.

LABEL, IN PART: "Enriched Shellabarger's Golden Belt Self-Rising Bleached Flour," or "Silver Mist Self-Rising Flour Bleached Vitamin Enriched Flour."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, thiamine (vitamin B₁), had been in part omitted from the product.

Misbranding, Section 403 (g) (1), the product purported to be and was represented as enriched self-rising flour, a food for which a definition and standard of identity has been prescribed by regulations, but it failed to conform to the definition and standard.

DISPOSITION: June 21, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as hog feed. On June 27, 1945, the decree was amended, ordering the product delivered to a public institution, for human consumption.

8674. Adulteration and misbranding of enriched flour. U. S. v. 182 Bags of Enriched Flour. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 15379. Sample No. 24113-H.)

LIBEL FILED: On or about February 21, 1945, Southern District of Alabama.

ALLEGED SHIPMENT: On or about December 19 and 23, 1944, by the Monroe Milling Co., from Waterloo, Ill.

PRODUCT: 182 5-pound bags of enriched flour at Mobile, Ala.

LABEL, IN PART: "Bleached, Calcium Phosphate Added, Enriched With Vitamins and Iron, Jersey Queen Fancy Patent Flour."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, thiamine (vitamin B₁) and iron, had been in part omitted from the product.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for enriched flour since the standard requires that enriched flour shall contain not less than 2.0 milligrams of thiamine and not less than 13.0 milligrams of iron per pound, whereas the article contained approximately 1.41 milligrams of thiamine and 8.21 milligrams of iron per pound.

DISPOSITION: March 19, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

MISCELLANEOUS CEREAL PRODUCTS*

8675. Adulteration of popcorn. U. S. v. 602 Bags of Popcorn. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13892. Sample Nos. 66670-F, 66671-F.)

LIBEL FILED: On or about October 5, 1944, Western District of Missouri.

ALLEGED SHIPMENT: On or about August 18 and 29, 1944, by E. G. Conklin, from Ashton and Normal, Ill.

PRODUCT: 602 100-pound bags of popcorn at Kansas City, Mo.

LABEL, IN PART: "Br'er Fox Always Fine Pop Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, clumps of earth, and stones.

DISPOSITION: October 5, 1944. The Fox Midwest Amusement Corporation, claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the popcorn was ordered released under bond, conditioned that it be processed and cleaned to the satisfaction of the Food and Drug Administration; otherwise, the product was to be disposed of as directed by the Administration.

8676. Adulteration of popcorn. U. S. v. 45 Bags and 52 Bags of Popcorn. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 15254, 15465. Sample Nos. 21801-H, 26708-H.)

LIBELS FILED: February 21 and March 8, 1945, District of Colorado and Western District of Tennessee.

ALLEGED SHIPMENT: On or about October 3 and November 22, 1944, by Manley, Inc., from Lake View, Iowa.

PRODUCT: (Portions) 45 bags and 52 bags, each containing 100 pounds, of popcorn at Memphis, Tenn., and Denver, Colo., respectively.

LABEL, IN PART: "Manley's * * * Pop Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets.

DISPOSITION: March 15 and 30, 1945. Manley, Inc., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

8677. Adulteration of popcorn. U. S. v. 5 Bags of Unpopped Popcorn. Product ordered converted into animal feed. (F. D. C. No. 15193. Sample No. 18601-H.)

LIBEL FILED: February 5, 1945, District of Minnesota.

ALLEGED SHIPMENT: On or about January 12, 1945, by the Sac County Trading Co., from Odebolt, Iowa.

PRODUCT: 5 100-pound bags of popcorn at St. Paul, Minn.

*See also No. 8667.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta pellets, rodent-gnawed kernels, and dirt.

DISPOSITION: April 11, 1945. No claimant having appeared, the product was ordered reprocessed for and disposed of as animal feed, under the supervision of the Food and Drug Administration; otherwise, it was to be destroyed.

8678. Adulteration of rice. U. S. v. 60 Bags of Rice. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 15258. Sample No. 24115-H.)

LIBEL FILED: On or about February 21, 1945, Southern District of Alabama.

ALLEGED SHIPMENT: On or about September 8, 1944, from New Orleans, La.

PRODUCT: 60 100-pound bags of rice at Mobile, Ala., in the possession of Autry Greer & Sons. The article was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent pellets and urine stains were observed on them. Examination showed that the article contained rodent pellets, weevils, and larvae, and that it was contaminated with rodent urine.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: April 2, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

8679. Adulteration of cream of rice. U. S. v. 37 Cases of Cream of Rice. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 15432. Sample No. 23712-H.)

LIBEL FILED: February 24, 1945, Southern District of Texas.

ALLEGED SHIPMENT: On or about January 12, 1945, by the Grocery Store Products Co., from New Orleans, La.

PRODUCT: 37 cases, each containing 12 1-pound, 2-ounce, cartons, of cream of rice at Houston, Tex.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, and rodent excreta; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: April 19, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered denatured and delivered to charitable institutions, for use as animal feed.

8680. Adulteration of rice grits. U. S. v. 999 Bags of Rice Grits. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15394. Sample No. 22023-H.)

LIBEL FILED: February 17, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about January 20, 1945, by the Southern Rice Co., from Crowley, La.

PRODUCT: 999 100-pound bags of rice grits at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles.

DISPOSITION: March 21, 1945. The Griesedieck Bros. Brewery Co., St. Louis, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be destroyed or brought into compliance with the law, under the supervision of the Food and Drug Administration.

8681. Adulteration of soy grits. U. S. v. 128 Bags of Soy Grits. Default decree of condemnation. Product ordered destroyed or denatured. (F. D. C. No. 15194. Sample No. 20309-H.)

LIBEL FILED: February 5, 1945, Northern District of Oklahoma.

ALLEGED SHIPMENT: On or about January 6, 1944, by Archer-Daniels-Midland Co., from Chicago, Ill.

PRODUCT: 128 100-pound bags of soy grits at Tulsa, Okla.

LABEL, IN PART: "Archer Brand Grits."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, insect fragments, rodent hairs, and rodent excreta.

DISPOSITION: February 15, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed or denatured under the supervision of the Food and Drug Administration. The product was mixed with other ingredients and disposed of for stock feed.

8682. Adulteration of soy grits. U. S. v. 67 Bags of Soy Grits. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 15266. Sample No. 63400-F.)

LIBEL FILED: February 10, 1945, Northern District of Georgia.

ALLEGED SHIPMENT: On or about November 24, 1943, by the Stein-Hall Manufacturing Co., from Chicago, Ill.

PRODUCT: 67 100-pound bags of soy grits at Atlanta, Ga.

LABEL, IN PART: (Bag) "KreemKo Soy Grit Manufactured by Allied Mills, Inc., Chicago, Illinois."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and cast skins.

DISPOSITION: March 1, 1945. The Nelson Brokerage Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reprocessed for animal feed by mixing with charcoal dust, under the supervision of the Food and Drug Administration.

8683. Adulteration of sweet meal. U. S. v. 426 Bags of Sweet Meal. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15433. Sample No. 17108-H.)

LIBEL FILED: On or about March 10, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On January 24, 1945, from Louisville, Ky.

PRODUCT: 426 60-pound bags of sweet meal at Chicago, Ill., in the possession of the Consolidated Biscuit Co. This product was apparently ground-up cookies. It had been stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent pellets and urine stains were observed on them. Examination showed that the product contained rodent pellets.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: March 30, 1945. The Consolidated Biscuit Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging under the supervision of the Food and Drug Administration. The product was denatured and disposed of as hog feed.

8684. Adulteration of wheat cereal. U. S. v. 80 Cases and 50 Cases of Wheat Cereal. Default decrees of condemnation. Portion of product ordered sold; remainder ordered destroyed. (F. D. C. Nos. 15439, 15457. Sample Nos. 18704-H, 18707-H.)

LIBELS FILED: February 3 and 28, 1945, Northern District of Iowa.

ALLEGED SHIPMENT: On or about February 1 and 8, 1945, by the Nebraska Consolidated Mills Co., from Omaha, Nebr.

PRODUCT: 40 cases, each containing 24 12-ounce packages, and 40 cases, each containing 18 24-ounce packages, of wheat cereal at Marion, Iowa; and 25 cases, each containing 24 12-ounce packages, and 25 cases, each containing 18 24-ounce packages, of wheat cereal at Mason City, Iowa.

LABEL, IN PART: "Dixianna Wheat Cereal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect fragments, and rodent excreta fragments.

DISPOSITION: March 24 and 31, 1945. No claimant having appeared, judgments of condemnation were entered, and the lot at Mason City was ordered sold for conversion into animal feed, under the supervision of the United States marshal, and the lot at Marion was ordered destroyed.

8685. Adulteration of Matzo Meal. U. S. v. 75 Packages of Matzo Meal. Default decree of condemnation and destruction. (F. D. C. No. 15115. Sample No. 3406-H.)

LIBEL FILED: January 26, 1945, District of Maryland.

ALLEGED SHIPMENT: On or about December 27, 1944, by B. C. Friedman & Sons, Inc., from Philadelphia, Pa.

PRODUCT: 72 12-ounce packages of Matzo Meal at Baltimore, Md.

LABEL, IN PART: "Friedman's Matzo Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: April 13, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CHOCOLATE, SUGARS, AND RELATED PRODUCTS*

8686. Adulteration of candy. U. S. v. 100 Cases of Candy. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15368. Sample No. 5948-H.)

LIBEL FILED: March 12, 1945, Eastern District of New York.

ALLEGED SHIPMENT: On or about January 19, 1945, by Charles R. Allen, from New Orleans, La.

PRODUCT: 100 cases, each containing 20 boxes of 25 bars each, of chocolate candy at Brooklyn, N. Y.

LABEL, IN PART: "Sweet Chocolate * * * Product of Argentine 'La Perfeccion' Carlos Colombo."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect excreta, and webbing.

DISPOSITION: May 2, 1945. Charles R. Allen, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and denatured under the supervision of the Food and Drug Administration.

8687. Adulteration of chocolate coating. U. S. v. 41 Bags of Chocolate Coating. Consent decree of condemnation. Product released under bond. (F. D. C. No. 15206. Sample No. 18212-H.)

LIBEL FILED: February 7, 1945, District of Minnesota.

ALLEGED SHIPMENT: On or about October 22 and November 20, 1943, and April 15, 1944, from Elizabethtown, Pa.

PRODUCT: 41 bags, each containing 20 10-pound bars, of chocolate coating at Minneapolis, Minn., in the possession of the Security Warehouse Co. The article was stored under insanitary conditions after shipment. The bags were rodent-gnawed, and they contained rodent excreta. Examination showed that the article had been gnawed by rodents and that it contained larvae, insect excreta, and webbing.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: June 8, 1945. Powell's Inc., Minneapolis, Minn., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

*See also No. 8787.

8688. Adulteration of chocolate coating. U. S. v. 8,000 Pounds and 300 Bales of Chocolate Coating. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 15231, 15232. Sample Nos. 18534-H, 18536-H, 18537-H.)

LIBELS FILED: February 12, 1945, District of Minnesota.

ALLEGED SHIPMENT: Between the approximate dates of October 22, 1943, and September 8, 1944, by the Klein Chocolate Co., Inc., from Elizabethtown, Pa.

PRODUCT: 300 bales, each containing 200 pounds, of chocolate coating in bars; and 8,000 pounds consisting of about 1,650 pounds melted, 2,000 pounds broken in pieces, 2 broken bags containing about 350 pounds, and 20 bags, each containing 20 10-pound bars, of chocolate coating at Minneapolis, Minn.

LABEL, IN PART: (Portions) "Klein's Kotemor Sweet Choc. [or "Chocolate"] Coating."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect excreta, webbing, rodent hairs, rodent-gnawed chocolate, and rodent urine. A portion also consisted of a decomposed substance by reason of the presence of moldy chocolate.

DISPOSITION: June 8, 1945. Powell's Inc., Minneapolis, Minn., claimant, having admitted the material allegations of the libel, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

8689. Misbranding of honey. U. S. v. 97 Jars of Honey. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15377. Sample No. 27412-H.)

LIBEL FILED: February 17, 1945, District of Oregon.

ALLEGED SHIPMENT: On or about October 24, 1944, by W. P. Murphy, from Boise, Idaho.

PRODUCT: 97 jars, each containing 5 pounds, of honey at Portland, Oreg. The product was unlabeled when shipped.

LABEL, IN PART: (Portions) "Net Weight 5# Pure Idaho Alfalfa Clover and Fire Weed Honey," or "5 lb. Honey Amber." The remainder of the article was unlabeled.

NATURE OF CHARGE: Misbranding, Section 403 (e), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the label failed to bear the common or usual name of the food.

DISPOSITION: March 19, 1945. The Jersey Milk Co., Inc., Portland, Oreg., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

8690. Adulteration and misbranding of sirup. U. S. v. 15 Cases of Syrup. Default decree of condemnation and destruction. (F. D. C. No. 15283. Sample No. 416-H.)

LIBEL FILED: February 15, 1945, Southern District of Georgia.

ALLEGED SHIPMENT: On or about December 14, 1944, by the Reco Sales Co., from New York, N. Y.

PRODUCT: 15 cases, each containing 24 16-fluid-ounce bottles, of sirup at Savannah, Ga.

LABEL, IN PART: (Bottles) "Reco Pancake Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, sugar, had been in part omitted from the product.

Misbranding, Section 403 (a), the label statement, "Pancake Syrup Maple Flavor Made of pure cane sugar sirup," was misleading as applied to a product which consisted of a mixture of sugar, or sugars, and water, containing less sugar than is contained in maple sirup or cane sugar sirup, and which contained no maple sirup or maple flavor but was artificially flavored and colored to

simulate maple sirup; and, Section 403 (k), the product contained artificial coloring and failed to bear labeling stating that fact.

DISPOSITION: April 24, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8691. Adulteration and misbranding of sirup. U. S. v. 156 Jugs of Pancake Syrup. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 15365. Sample No. 2224-H.)

LIBEL FILED: March 10, 1945, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about August 21, 1944, and January 2, 1945, by the Bev Co., from Hoboken, N. J.

PRODUCT: 156 1-gallon jugs of pancake sirup at Norfolk, Va.

LABEL, IN PART: (Jugs) "North Woods [design of woods] Institutional Size One Gallon Pure Pancake Syrup A 100% pure cane sugar syrup with a perfect imitation maple flavor base of high quality."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, sugar, had been in part omitted from the article.

Misbranding, Section 403 (a), the label statements "Pure Pancake Syrup" and "North Woods," and the design of woods suggestive of the origin of the maple sirup, were misleading as applied to sugar, or sugars, and water which contained less sugar than is contained in cane sugar sirup or a pancake cane sugar sirup, which contained no maple sirup, and which was artificially flavored and colored to simulate maple sirup; and, Section 403 (k), the sirup contained artificial coloring, and it failed to bear labeling stating that fact.

DISPOSITION: April 28, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

8692. Adulteration of corn sirup solids. U. S. v. 15 Bags of Fro Dex Corn Syrup Solids. Default decree of condemnation. Product ordered sold. (F. D. C. No. 15458. Sample No. 20158-H.)

LIBEL FILED: March 3, 1945, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about October 13, 1944, by the American Maize Products Co., from Roby, Ind.

PRODUCT: 15 100-pound bags of corn sirup solids at Oklahoma City, Okla.

LABEL, IN PART: "Amaizo Fro Dex Corn Syrup Solids."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta.

DISPOSITION: April 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold for use as stock feed.

DAIRY PRODUCTS*

BUTTER

The following cases report actions involving butter that was adulterated in that it consisted in whole or in part of a filthy or decomposed substance, or both, Nos. 8693 to 8696; that was below the standard for milk fat content, Nos. 8697 to 8703; and that was short of the declared weight, Nos. 8704 to 8707.

8693. Adulteration of butter and Cheddar cheese. U. S. v. 14 Cartons (448 pounds) of Butter and 79 Boxes of Cheddar Cheese. Consent decree of condemnation. Products ordered sold to be rendered into nonedible fats. (F. D. C. No. 15305. Sample Nos. 5653-H, 5655-H.)

LIBEL FILED: February 26, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about January 24, 1945, by the Hygrade Food Products Corporation, from Manchester, Iowa.

PRODUCT: 14 cartons, each containing 32 1-pound prints, of butter and 79 boxes of Cheddar cheese at New York, N. Y. Examination showed that both products contained insect fragments and manure particles and that, in addition, the cheese contained rodent hairs.

*See also No. 8793.

LABEL, IN PART: (Butter) "Hygrade Brand Creamery Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances.

DISPOSITION: August 20, 1945. The Hygrade Food Products Corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered sold to be rendered into nonedible fats.

8694. Adulteration of butter. U. S. v. 1,400 Cases (84,000 pounds) of Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 15332. Sample Nos. 29261-H, 29262-H.)

LIBEL FILED: January 31, 1945, Northern District of California.

ALLEGED SHIPMENT: On or about November 29 and December 13, 1944, by the Dairy Products Marketing Assn., Inc., from Hutchinson, Kans.

PRODUCT: 1,400 cases, each containing 60 1-pound prints, of butter at San Francisco, Calif.

LABEL, IN PART: (Prints) "Golden West Brand Butter Distributed by [or "Manufactured by"] The Reno Creamery Co., Hutchinson, Kansas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, or decomposed substance.

DISPOSITION: April 20, 1945. The Dairy Products Marketing Association, Inc., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it should not be disposed of contrary to the provisions of the law.

8695. Adulteration of butter. U. S. v. 43 Cases (1,376 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15103. Sample No. 62007-F.)

LIBEL FILED: On or about December 6, 1944, Southern District of Alabama.

ALLEGED SHIPMENT: On or about November 6, 1944, by the Sugar Creek Creamery Co., from Russellville, Ark.

PRODUCT: 43 cases, each containing 32 1-pound cartons, of butter at Mobile, Ala. Analysis showed that the article contained mold.

LABEL, IN PART: "Cudahy's Sunlight Creamery Butter * * * The Cudahy Packing Co., Distributors * * * Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed animal substance.

DISPOSITION: January 2, 1945. The Sugar Creek Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The butter was refined into butter oil.

8696. Adulteration of butter. U. S. v. 32 Cartons (1,920 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15112. Sample No. 5645-H.)

LIBEL FILED: On or about January 15, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about December 30, 1944, by the Frigid Food Products, Inc., Detroit, Mich.

PRODUCT: 32 cartons, each containing 60 1-pound prints, of butter at New York, N. Y. Analysis showed that the product contained mold mycelia.

LABEL, IN PART: (Print) "Creamery Butter Distributed by Mansfield Creamery, Mansfield, Missouri"; (carton stencil) "Creamery Butter Distributed by Sugar Creek Creamery, Danville, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, or decomposed substance.

DISPOSITION: May 12, 1945. The Frigid Food Products, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into soap stock under the supervision of the Food and Drug Administration.

8697. Adulteration of butter. U. S. v. 12 Cartons (approximately 720 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15106. Sample Nos. 93784-F, 97652-F.)

LIBEL FILED: January 3, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about December 15, 1944, by the Enterprise Creamery, London, Minn.

PRODUCT: 12 cartons, each containing approximately 60 pounds, of butter at Newark, N. J.

LABEL, IN PART: (Carton) "Butter Packed for M. Augenblick & Bro. Inc. Newark, N. J."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: January 19, 1945. The Borden Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

8698. Adulteration of butter. U. S. v. 11 Boxes (715 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15100. Sample No. 97912-F.)

LIBEL FILED: December 28, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about December 13, 1944, by the Rockville Coop. Creamery, from Rockville, Minn.

PRODUCT: 11 65-pound boxes of butter at Somerville, Mass.

LABEL, IN PART: "Sweet Cream Butter."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: January 11, 1945. The Pipestone Produce Co., Somerville, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking so that it would be brought into compliance with the law.

8699. Adulteration of butter. U. S. v. 20 Cases (640 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15104. Sample No. 13101-H.)

LIBEL FILED: January 6, 1945, Southern District of Ohio.

ALLEGED SHIPMENT: On or about December 29, 1944, by the Producers Dairy Marketing Association, Orleans, Ind.

PRODUCT: 20 cases, each containing 32 pounds, of butter at Cincinnati, Ohio.

LABEL, IN PART: (Print wrapper) "The C. Eberle Sons Co. Cincinnati, Ohio * * * Spring Dale Brand Creamery Butter."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: February 6, 1945. The Producers Dairy Marketing Association, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

8700. Adulteration of butter. U. S. v. 16 63-Pound Cubes of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15336. Sample No. 90179-F.)

LIBEL FILED: December 18, 1944, Western District of Arkansas.

ALLEGED SHIPMENT: On or about July 26, 1944, by the O. G. Harp Poultry & Egg Co., from Shawnee, Okla.

PRODUCT: 16 63-pound cubes of butter at Fort Smith, Ark.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: February 21, 1945. The Sugar Creek Creamery Co., Danville, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

- 8701. Adulteration of butter. U. S. v. 11 Cartons (704 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond.**
(F. D. C. No. 15335. Sample No. 6082-H.)
- LIBEL FILED:** February 14, 1945, Southern District of New York.
- ALLEGED SHIPMENT:** On or about January 24, 1945, by the Mayville Creamery Co., from Mayville, N. Dak.
- PRODUCT:** 11 64-pound cartons of butter at New York, N. Y.
- LABEL, IN PART:** "Butter * * * George Wittner & Co., Inc., New York."
- NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.
- DISPOSITION:** February 28, 1945. George Wittner & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.
- 8702. Adulteration of butter. U. S. v. 26 Cartons (1,300 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond.**
(F. D. C. No. 15333. Sample Nos. 5656-H, 18532-H.)
- LIBEL FILED:** February 15, 1945, Southern District of New York.
- ALLEGED SHIPMENT:** On or about January 17, 1945, by the Roslyn Creamery Co., from Roslyn, S. Dak.
- PRODUCT:** 26 cartons of butter, each containing 50 1-pound prints, at New York, N. Y.
- LABEL, IN PART:** "Creamery Butter Distributed by Zimmer & Dunkak, Inc., 3525 New York, N. Y."
- NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.
- DISPOSITION:** March 1, 1945. The Roslyn Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.
- 8703. Adulteration of butter. U. S. v. 36 Cartons (2,304 pounds) of butter. Consent decree of condemnation. Product ordered released under bond.**
(F. D. C. No. 15329. Sample No. 5647-H.)
- LIBEL FILED:** January 25, 1945, Southern District of New York.
- ALLEGED SHIPMENT:** On or about January 13, 1945, by the Hartley Creamery, from Hartley, Iowa.
- PRODUCT:** 36 cartons, each containing approximately 64 pounds, of butter at New York, N. Y.
- LABEL, IN PART:** "Butter Distributed by J. O. Marshall, Draper Valley Distributors, Inc., 503 New York, N. Y."
- NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.
- DISPOSITION:** March 1, 1945. The Draper Valley Distributors, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.
- 8704. Misbranding of butter. U. S. v. 34 Boxes (1,088 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond.**
(F. D. C. No. 15327. Sample Nos. 10202-H, 10203-H.)
- LIBEL FILED:** January 22, 1945, Western District of Pennsylvania.
- ALLEGED SHIPMENT:** On or about January 10, 1945, by the Cudahy Packing Co., from Washington Court House, Ohio.
- PRODUCT:** 34 32-pound boxes of butter at Beaver Falls, Pa.
- LABEL, IN PART:** "Daisy Maid Brand Creamery Butter," or "Cudahy's Sunlight Creamery Butter."
- NATURE OF CHARGE:** Misbranding, Section 403 (a) and (e), the prints did not contain "One lb. net," as labeled.

DISPOSITION: February 1, 1945. The Cudahy Packing Co., claimant, having admitted the allegations in the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be repacked to the declared weight, under the supervision of the Food and Drug Administration.

8705. Misbranding of butter. U. S. v. 60 Cases of Butter. Default decree of condemnation. Product ordered sold for use in the manufacture of soap. (F. D. C. No. 15328. Sample Nos. 39895-F, 39896-F.)

LIBEL FILED: October 11, 1944, Southern District of California.

ALLEGED SHIPMENT: On or about October 2, 1944, by the Farmers Equity Coop. Creamery, from Denver, Colo.

PRODUCT: 60 cases of butter at Venice, Calif.

LABEL, IN PART: (Prints) "Net Weight 1 Pound [or "One Pound"] Edgemar Brand Butter Distributed by Edgemar Farms Venice, Calif."

NATURE OF CHARGE: Misbranding, Section 403 (a), the labeling was false and misleading since the prints did not contain 1 pound, as labeled.

DISPOSITION: November 6, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold for use in the manufacture of soap, under the supervision of the Food and Drug Administration.

8706. Misbranding of butter. U. S. v. 15 Cases (450 pounds) of Butter. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 15331. Sample No. 86354-F.)

LIBEL FILED: December 27, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about October 21, 1944, by the Minden Creamery Co., Minden, Nebr.

PRODUCT: 15 30-pound cases of butter at Denver, Colo. Examination showed that the product was short-weight.

LABEL, IN PART: (Prints) "1 Lb. Net Weight."

NATURE OF CHARGE: Misbranding, Sections 403 (a) and (e), the prints did not contain "1 Lb.," as labeled.

DISPOSITION: February 21, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

8707. Misbranding of process butter. U. S. v. 20 Cases (600 pounds) of Process Butter. Default decree of condemnation. Product ordered sold to a soap manufacturer. (F. D. C. No. 15111. Sample No. 63816-F.)

LIBEL FILED: On or about December 20, 1944, Southern District of Florida.

ALLEGED SHIPMENT: On or about November 20, 1944, by the Cherokee Creamery, Inc., Cedartown, Ga.

PRODUCT: 20 cases, each containing 30 1-pound cartons, of process butter at Tampa, Fla.

LABEL, IN PART: (Cartons and prints) "Cherokee Rose Process Butter."

NATURE OF CHARGE: Misbranding, Section 403 (a), the statement on the carton, "1 Pound Net," and the statement on the print wrapper, "Net Weight Not Less Than 4 ozs.," were false and misleading as applied to the product, which was short-weight; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: January 17, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to a soap manufacturer.

CHEESE*

8708. Adulteration of grated cheese. U. S. v. Ehrat Cheese Co., Inc. Plea of guilty. Fine, \$1,000 and costs. (F. D. C. No. 12599. Sample Nos. 30371-F, 60511-F, 60541-F, 60545-F.)

INFORMATION FILED: December 1, 1944, Northern District of Illinois, against the Ehrat Cheese Co., Inc., Chicago, Ill.

ALLEGED SHIPMENT: Between the approximate dates of November 26, 1943, and February 2, 1944, from the State of Illinois into the State of California.

*See also No. 8693

LABEL, IN PART: "Riviera * * * Italian Grated Cheese," or "Riviera Brand Grated Parmesan Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3) the product consisted in whole or in part of a filthy substance by reason of the presence of insects, mites, insect and worm fragments, rodent hairs, and hairs resembling rodent hairs; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: April 16, 1945. A plea of guilty having been entered on behalf of the defendant, a fine of \$1,000, plus costs, was imposed.

8709. Adulteration of cheese. U. S. v. 250 Cartons of Cheese. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15290. Sample No. 5652-H.)

LIBEL FILED: February 19, 1945, Eastern District of New York.

ALLEGED SHIPMENT: On or about July 31, 1944, from Baltic, Mich.

PRODUCT: 250 cartons, each containing 4 cheeses, at Brooklyn, N. Y., in the possession of the Cumberland Dairy Products Co., Inc. This product was stored under insanitary conditions after shipment. Some of the cartons had been gnawed by rats and were urine-stained. Rodent pellets were observed on and in the cartons. Examination showed that the product contained rodent pellets, rodent hairs, and mites.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: April 30, 1945. The Cumberland Dairy Products Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency, by scraping and removing the outer surface of the cheese in order to remove all unfit portions.

8710. Misbranding of Limburger cheese. U. S. v. 15 Cases of Limburger Cheese. Consent decree of condemnation. Product ordered released under bond to be repackaged. (F. D. C. No. 15408. Sample Nos. 13311-H, 13312-H.)

LIBEL FILED: February 21, 1945, Southern District of Ohio.

ALLEGED SHIPMENT: On or about December 19, 1944, and January 16, 1945, by the Shefford Cheese Co., Monroe, Wis.

PRODUCT: 15 cases, each containing 60 unlabeled prints, of Limburger cheese at Dayton, Ohio. No written agreement existed between the shipper and consignee as to the labeling of the article.

NATURE OF CHARGE: Misbranding, Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), and it failed to bear an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the label omitted the common or usual name of the food.

DISPOSITION: April 16, 1945. The Shefford Cheese Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be repackaged under the supervision of the Food and Drug Administration.

EGGS

8711. Adulteration of dried eggs. U. S. v. 1 Barrel of Dried Eggs. Default decree of condemnation and destruction. (F. D. C. No. 15306. Sample No. 5804-H.)

LIBEL FILED: February 24, 1945, Eastern District of New York.

ALLEGED SHIPMENT: On or about May 10, 1944, by J. J. Shevelove, from Newark, N. J.

PRODUCT: 1 200-pound barrel of dried eggs at Brooklyn, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 9, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8712. Adulteration of dried whole eggs. U. S. v. 64 Cartons of Dried Whole Eggs. Default decree of condemnation and destruction. (F. D. C. No. 15209. Sample No. 27305-H.)

LIBEL FILED: February 9, 1945, District of Oregon.

ALLEGED SHIPMENT: On or about December 16, 1944, by Danches Brothers, from St. Louis, Mo.

PRODUCT: 64 cartons, each containing 56 pounds, of dried whole eggs at Portland, Oreg.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 12, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8713. Adulteration of frozen whole eggs. U. S. v. 619 Cans of Frozen Whole Eggs. Default decree of condemnation and destruction. (F. D. C. No. 15619. Sample No. 23916-H.)

LIBEL FILED: March 12, 1945, Northern District of Alabama.

ALLEGED SHIPMENT: On or about August 18, 1944, by the Chapin and Adams Corporation, from Boston, Mass.

PRODUCT: 619 cans, each containing 30 pounds, of frozen whole eggs at Birmingham, Ala.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 13, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8714. Adulteration of frozen whole eggs. U. S. v. 132 Cartons of Frozen Whole Eggs. Default decree of condemnation and destruction. (F. D. C. No. 15455. Sample No. 26921-H.)

LIBEL FILED: On or about March 5, 1945, District of Colorado.

ALLEGED SHIPMENT: On or about October 9 and 11, 1944, by a storage warehouse, for the Pierce Packing Co., from Billings, Mont.

PRODUCT: 132 30-pound cartons of frozen whole eggs at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 30, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. Destruction was effected by the use of the product for hog feed.

8715. Adulteration of frozen whole eggs. U. S. v. 1,174 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15323. Sample Nos. 5657-H to 5659-H, incl.)

LIBEL FILED: February 27, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about January 23, 1945, by the General Produce Co., from Des Moines, Iowa.

PRODUCT: 1,174 30-pound cans of frozen whole eggs at New York, N. Y.

LABEL, IN PART: "Whole Eggs * * * Packed by Iowa Egg Co. Des Moines, Iowa."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 24, 1945. Morris Silberman, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and denatured, or destroyed, under the supervision of the Food and Drug Administration.

8716. Adulteration of frozen whole eggs. U. S. v. 268 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15300. Sample No. 11424-H.)

LIBEL FILED: February 27, 1945, District of Rhode Island.

ALLEGED SHIPMENT: On or about November 18, 1944, by F. J. Peterson, from Chicago, Ill.

PRODUCT: 268 30-pound cans of frozen whole eggs at Providence, R. I.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a putrid substance.

DISPOSITION: March 9, 1945. A. E. Mills & Son, Inc., Boston, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for the segregation of the unfit portion, under the supervision of the Food and Drug Administration.

8717. Adulteration of frozen eggs. U. S. v. 109 Cans and 75 Cans of Frozen Eggs. One lot condemned and ordered converted into animal feed or destroyed; portion of remaining lot ordered disposed of as stock feed; remainder ordered released. (F. D. C. Nos. 13683, 14769. Sample Nos. 87340-F, 97703-F.)

LIBELS FILED: September 13 and December 14, 1944, District of Minnesota.

ALLEGED SHIPMENT: Between the approximate dates of July 3 and 24, 1944, by the North American Creameries, Inc., from Watertown, S. Dak.

PRODUCT: 75 30-pound cans of frozen eggs at Duluth, Minn., and 109 30-pound cans of frozen eggs at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: On February 2, 1945, upon motion of the North American Creameries, Inc., claimant for the Minneapolis lot, the court ordered that each can of the Minneapolis lot be examined by representatives of the Government and the claimant, in order to determine the fitness of the product for human consumption, and that a detailed report be made to the court. On April 28, 1945, the court denied a motion by the Government to set aside the order of February 2, 1945. On June 29, 1945, 88 cans, the portion found to be fit, were ordered released to the claimant, and the remaining cans were ordered destroyed. On July 27, 1945, by amended order, the product in the remaining cans was ordered denatured and disposed of as stock feed. No claimant having appeared for the Duluth lot, judgment of condemnation was entered on June 13, 1945, and the product was ordered destroyed unless properly converted into animal feed, under the supervision of the Food and Drug Administration.

8718. Adulteration of frozen egg whites. U. S. v. 1,032 Cans of Frozen Egg Whites. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 15264. Sample No. 11505-H.)

LIBEL FILED: February 12, 1945, District of Massachusetts.

ALLEGED SHIPMENT: On or about June 20, 1944, by the Distribution Terminal Warehouse Co., from Cleveland, Ohio.

PRODUCT: 1,032 30-pound cans of frozen egg whites at Worcester, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 27, 1945. The Hathaway Bakeries, Inc., Cambridge, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

8719. Adulteration of shell eggs. U. S. v. 75 Cases of Shell Eggs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15289. Sample No. 6147-H.)

LIBEL FILED: February 24, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about December 31, 1944, by the Bowser Sales and Trading Co., from Parkersburg, W. Va.

PRODUCT: 75 cases, each containing 30 dozen, of shell eggs at Jersey City, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 2, 1945. Carl Ahlers, Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and denatured, or destroyed, under the supervision of the Food and Drug Administration.

FEEDS AND GRAINS

8720. Adulteration and misbranding of meat and bone scraps. U. S. v. Robert W. Schaefer (Schaefer Feed Co.). Plea of guilty. Fine, \$600. (F. D. C. No. 14269. Sample Nos. 6340-F, 67347-F.)

INFORMATION FILED: April 3, 1945, Eastern District of Illinois, against Robert W. Schaefer, trading as the Schaefer Feed Co., East St. Louis, Ill.

ALLEGED SHIPMENT: On or about November 23, 1943, and January 10, 1944, from the State of Illinois into the States of Ohio and Missouri.

LABEL, IN PART: (Tags) "Gro-Mor Brand Meat and Bone Scraps."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing soy bean oil meal, a portion of which contained less than 50 percent of protein, had been substituted in whole or in part for meat and bone scraps containing 50 percent of protein, which the article purported and was represented to be.

Misbranding, Section 403 (a), the statements, "Meat and Bone Scraps 50% * * * Ingredients Meat and Bone Scraps," and (portion) "protein (not less than) 50.00%," borne on the tags, were false and misleading since they represented and suggested that the product consisted entirely of meat and bone scraps and that it contained 50 percent of protein, whereas it consisted in part of soy bean oil meal, and a portion contained not over 46.44 percent of protein.

DISPOSITION: June 26, 1945. The defendant entered a plea of guilty, and the court imposed a fine of \$150 on each of 4 counts, a total fine of \$600, plus costs.

8721. Misbranding of bone meal. U. S. v. Riverdale Products Co. Plea of guilty. Fine, \$75. (F. D. C. No. 12586. Sample Nos. 47330-F, 47368-F, 48172-F.)

INFORMATION FILED: December 1, 1944, Northern District of Illinois, against the Riverdale Products Co., a corporation, Chicago, Ill.

ALLEGED SHIPMENT: Between the approximate dates of September 22 and December 15, 1943, from the State of Illinois into the State of Tennessee.

LABEL, IN PART: "Chapman's Feeding Special Odorless Steamed Bone Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained an added poisonous and deleterious substance, fluorine, which might have rendered it injurious to health; and, Section 402 (b) (2), a mixture of phosphate rock and bone meal had been substituted for bone meal.

Misbranding, Section 403 (a), the name of the food, "Bone Meal," borne on the label, was false and misleading since the product consisted of a mixture of phosphate rock and bone meal; and, Section 403 (i) (2), it was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each ingredient.

DISPOSITION: February 21, 1945. A plea of guilty having been entered on behalf of the defendant, a fine of \$75 was imposed.

8722. Misbranding of Singer's Earth Crust Minerals. U. S. v. 20 Bags of Singer's Earth Crust Minerals, and a number of circulars. Default decree of forfeiture and destruction. (F. D. C. No. 12345. Sample No. 8446-F.)

LIBEL FILED: May 13, 1944, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about November 12, 1943, from Barrington, Ill., by the Chain of Lakes Duck Farm (E. Albert Singer).

PRODUCT: 20 100-pound bags of the above-named product and a number of circulars entitled "Singer's Earth Crust Minerals," at Bangor, Wis. Analysis of a sample showed that the article consisted essentially of clay or soil, calcium carbonate, a compound of phosphorus, and salt, including 13.4 percent calcium calculated as the metal, 1.3 percent phosphorus calculated as the element, and 12.6 percent salt. The label mentioned phosphorus and calcium, but it did not reveal the names of the compounds of these elements contained in the article.

NATURE OF CHARGE: Misbranding, Section 403 (a), the statements on the label of the article and in the accompanying circulars were false and misleading since they represented and suggested that the article would be effective in keeping livestock and poultry healthy, and in removing any species of worms from the intestines of livestock and poultry; that it would prevent poor digestion, loss of appetite, a run-down condition, and diseases in general; that it would lower mortality; that it would prevent the disease condition of poultry known as range paralysis; and that its use would save feeding costs; whereas

the article, while it might furnish small amounts of certain food minerals, would not be effective for the purposes claimed.

Further misbranding, Section 403 (i) (2), the label of the article failed to bear the common or usual name of each ingredient.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1400.

DISPOSITION: February 17, 1945. No claimant having appeared, judgment of forfeiture was entered and the product, together with the circulars, was ordered destroyed.

FISH AND SHELLFISH

8723. Adulteration of crab meat. U. S. v. 4 Cases and 13 Cases of Crab Meat. Default decree of condemnation and destruction. (F. D. C. No. 15250. Sample Nos. 17903-H, 17904-H.)

LIBEL FILED: March 2, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On November 29, 1944, by the Crescent Seafood Sales Co., Inc., from Westwego, La.

PRODUCT: 4 cases and 13 cases, each containing 24 6½-ounce cans, of crabmeat at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 16, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8724. Adulteration of frozen herring. U. S. v. 47 Boxes of Frozen Herring. Default decree of condemnation and destruction. (F. D. C. No. 15222. Sample No. 17817-H.)

LIBEL FILED: February 7, 1945, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about January 15, 1945, by the Shapiro Fisheries, from Chicago, Ill.

PRODUCT: 47 125-pound boxes of frozen herring at De Pere, Wis.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8725. Adulteration of frozen herring. U. S. v. 7 Boxes of Frozen Herring. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15203. Sample No. 17815-H.)

LIBEL FILED: On or about February 8, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 22, 1945, by the Midwest Fish Co., from Green Bay, Wis.

PRODUCT: 7 boxes, containing a total of 1,000 pounds, of frozen herring at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 23, 1945. The Shapiro Fisheries, Chicago, Ill., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be disposed of in compliance with the law, under the supervision of the Food and Drug Administration.

8726. Adulteration of frozen herring. U. S. v. 120 Boxes of Frozen Herring. Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 15385, 15386. Sample Nos. 17818-H, 17819-H.)

LIBEL FILED: On or about February 23, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 24, 1943, by the Fleith Ehler Mercantile Co., from Ashland, Wis.

PRODUCT: 4 boxes and 116 boxes, each containing 125 pounds, of frozen herring at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a putrid substance.

DISPOSITION: March 23, 1945. The Shapiro Fisheries, Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for disposition in accordance with the law, under the supervision of the Food and Drug Administration.

8727. Adulteration of Tidbits of Herring. U. S. v. 17 Cases of Tidbits of Herring. Default decree of condemnation and destruction. (F. D. C. No. 15285. Sample No. 717-H.)

LIBEL FILED: February 17, 1945, Northern District of Georgia.

ALLEGED SHIPMENT: On or about September 15, 1944, by the Sea King Food Corporation, from New York, N. Y.

PRODUCT: 17 cases, each containing 24 8-ounce jars, of Tidbits of Herring at Atlanta, Ga. This product was undergoing active fermentation.

LABEL, IN PART: (Jars) "Tidbits of Herring in Wine Sauce * * * Packed By North Atlantic Fishery Products, Inc. New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 13, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8728. Adulteration of canned mackerel. U. S. v. 99 Cases and 52 Cases of Canned Mackerel. Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 15129, 15131. Sample Nos. 5602-H, 5944-H.)

LIBELS FILED: February 2 and 6, 1945, Southern District of New York and District of New Jersey.

ALLEGED SHIPMENT: On or about December 14, 1944, by the Halfhill Co., from Los Angeles, Calif.

PRODUCT: 99 cases and 52 cases, each containing 48 15-ounce cans, of mackerel at New York, N. Y., and Newark, N. J., respectively.

LABEL, IN PART: "Top Wave Brand California Mackerel * * * Packed for Sardamack Fisheries Wilmington, Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: June 19, 1945. The Sardamack Fisheries Co., claimant, having admitted the allegations of the libels, and the cases having been consolidated for trial in the Southern District of New York, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

8729. Adulteration and misbranding of canned mackerel. U. S. v. 82 Cases of Canned Mackerel (and 2 other seizure actions against canned mackerel). Portion of product condemned and ordered destroyed; remainder ordered released under bond. (F. D. C. Nos. 15211 to 15213, incl. Sample Nos. 89910-F, 22507-H, 27213-H.)

LIBELS FILED: February 6 and 9, 1945, Eastern District of Washington and Western District of Tennessee.

ALLEGED SHIPMENT: On or about October 31 and November 1, 1944, by the California Sea Food Co., Long Beach, Calif.

PRODUCT: 403 cases and 103 cases, each containing 48 cans of mackerel at Spokane, Wash., and Memphis, Tenn., respectively.

LABEL, IN PART: "Val Vita Brand California Mackerel."

NATURE OF CHARGE: Spokane lot, adulteration, Section 402 (b) (2), another variety of fish, commonly called horse mackerel, had been substituted for mackerel, which the article was represented to be. Misbranding, Section 403 (a), the label statement "California Mackerel" was false and misleading.

Memphis lot, adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 24 and May 2, 1945. The California Sea Food Co., claimant for the Spokane lot, having admitted the allegations of the libel, judgment was entered ordering the product released under bond to be relabeled under the supervision of the Food and Drug Administration. No claimant having appeared for the Memphis lot, judgment of condemnation was entered and the product was ordered destroyed.

8730. Adulteration of canned oysters. U. S. v. 249 Cases of Canned Oysters. Portion of product condemned and ordered destroyed; remainder of product released to claimant. (F. D. C. No. 10186. Sample No. 29815-F.)

LIBEL FILED: July 7, 1943, District of Hawaii.

ALLEGED SHIPMENT: On or about April 24, 1943, by the Tropical Foods Co., from New Orleans, La.

PRODUCT: 249 cases, each containing 48 cans, of oysters at Hilo, T. H.

LABEL, IN PART: "Tropical Brand * * * Cove Oysters."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was in whole or in part filthy, putrid, decomposed, and otherwise unfit for food.

DISPOSITION: March 6, 1944. The American Factors, Ltd., claimant, having admitted that a portion of the product was decomposed, judgment was entered condemning that portion and ordering it destroyed. The remainder of the product was found by the court to be fit for human consumption, and it was ordered returned to the claimant.

8731. Adulteration of oysters. U. S. v. 168 Pints of Oysters. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 15234. Sample No. 10015-H.)

LIBEL FILED: February 9, 1945, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 1 and 2, 1945, by the Tilghman Packing Co., from Tilghman, Md.

PRODUCT: 168 pints of oysters at Pittsburgh, Pa.

LABEL, IN PART: "Tilghman Brand."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

DISPOSITION: March 6, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

8732. Adulteration of oysters. U. S. v. 148 Pints and 761 Pints of Oysters. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 15238, 15388. Sample Nos. 10413-H, 10420-H, 10421-H.)

LIBELS FILED: February 10 and 15, 1945, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 3 and 10, 1945, by W. E. Riggin & Co., from Crisfield, Md.

PRODUCT: 909 pints of oysters at Pittsburgh, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

DISPOSITION: February 13 and 16, 1945. W. E. Riggin & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be repacked under the supervision of the Food and Drug Administration. The oysters were reconditioned by draining the excess liquid.

8733. Adulteration of oysters. U. S. v. 47 Pints of Oysters. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 15374. Sample No. 10415-H.)

LIBEL FILED: February 12, 1945, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 6, 1945, by O. E. Wentworth & Co., from Baltimore, Md.

PRODUCT: 47 pints of oysters at McKeesport, Pa.

LABEL, IN PART: "Wentworth's Triangle Brand Oysters."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

DISPOSITION: February 17, 1945. The owner having consented to the disposition of the oysters, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

8734. Adulteration of frozen shrimp. U. S. v. 7 Boxes of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 15350. Sample No. 5984-H.)

LIBEL FILED: March 8, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about October 2, 1944, by Chesebro, Robbins & Graham, Inc., from New York, N. Y.

PRODUCT: 7 boxes, containing about 900 pounds, of shrimp at Monmouth Beach, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: June 7, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8735. Adulteration of frozen shrimp. U. S. v. 29 Boxes of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 15349. Sample No. 5983-H.)

LIBEL FILED: March 8, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about August 20 and 21, 1944, by J. R. Hardee, Jr., from Berwick, La.

PRODUCT: 29 100-pound boxes of frozen shrimp at Manasquan, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 22, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8736. Adulteration of frozen whiting fillets. U. S. v. 63 Boxes of Frozen Whiting Fillets. Default decree of condemnation and destruction. (F. D. C. No. 14978. Sample Nos. 96479-H, 96480-H.)

LIBEL FILED: January 13, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 7 and 27, 1944, by the Cape Ann Fisheries, Inc., from Gloucester, Mass.

PRODUCT: 23 10-pound boxes and 40 10-pound boxes of frozen whiting fillets at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: June 1, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8737. Adulteration of frozen cod, whiting, mackerel, rosefish, and mixed fish. U. S. v. 342 Cases of Frozen Cod, 1,420 Cases of Frozen Whiting, 456 Cases of Frozen Rosefish, 23 Cases of Frozen Mackerel, and 12 Cases of Frozen Mixed Fish. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 15198. Sample No. 30910-H.)

LIBEL FILED: February 5, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about August 8, 1944, by the National Frosted Foods, Inc., from Gloucester, Mass., to Tovrea, Ariz., where the shipment was refused by the consignee and reshipped on or about October 24, 1944, by the Southern Pacific Railroad Co., to Los Angeles, Calif.

PRODUCT: 342 cases of frozen cod, 1,420 cases of frozen whiting, 456 cases of frozen rosefish, 23 cases of frozen mackerel, and 12 cases of frozen mixed fish at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 8, 1945. The Southern Pacific Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The unfit portion was segregated and disposed of as fish food.

FRUITS AND VEGETABLES*

CANNED FRUIT

8738. Misbranding of canned apricots. U. S. v. 63 Cases of Canned Apricots. Consent decree ordering the release of the product under bond. (F. D. C. No. 15172. Sample Nos. 73471-F, 73484-F.)

LIBEL FILED: January 31, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about September 14, 1944, by the Modern Marketing Service, Inc., from Oakland, Calif.

PRODUCT: 63 cases, each containing 24 cans, of apricots at Tacoma, Wash.

LABEL, IN PART: "Hunt's Supreme Quality Fancy Peeled Whole Apricots In Heavy Syrup Contents 1 Lb. 14 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product purported to be and was represented as canned apricots, a food for which a definition and standard of identity has been prescribed by law, and its label failed to bear, as required by regulations, the name of the optional packing medium present, since the label bore the statement "In Heavy Syrup," whereas the product was packed in sirup designated as "Light Syrup" in the standard.

DISPOSITION: March 19, 1945. The Hunt Brothers Packing Co., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond for relabeling under the supervision of the Food and Drug Administration.

8739. Misbranding of canned cherries. U. S. v. 50 Cases of Canned Cherries. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15440. Sample No. 98436-F.)

LIBEL FILED: February 24, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about November 18, 1944, by the Northport Cherry Factory, Inc., from Northport, Mich.

PRODUCT: 50 cases, each containing 24 1-pound, 5-ounce cans, of cherries at St. Louis, Mo. Examination showed that the article was red, sour, pitted cherries in extra heavy sirup. The label bore a picture that resembled whole, dark red, sweet cherries suitable for table use.

LABEL, IN PART: (Vignette of dark red, whole cherries) "American Lady Red Pitted Cherries Contents 1 Lb. 5 Oz. in Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (a), the picture of cherries on the label was misleading since it created the impression that the product consisted of whole, dark, sweet, unpitted cherries suitable for table use. This misleading impression was not corrected by the label statement "Red Pitted," since it was relatively inconspicuous as compared to the picture, and it failed to reveal that the article consisted of tart or sour cherries not suitable for table use; and, Section 403 (g) (2), the label failed to bear, as required by the definition and standard of identity for canned cherries, the name of the optional cherry ingredient present in the article, i. e., "red sour" or "red tart," and the name of the optional packing medium present, "extra heavy syrup."

DISPOSITION: March 23, 1945. The General Grocer Co., St. Louis, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

8740. Misbranding of canned cherries. U. S. v. 28 Cases of Canned Cherries. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 15216. Sample No. 9205-H.)

LIBEL FILED: February 7, 1945, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 10, 1944, by the Miles-Bradford Co., from Fredonia, N. Y.

PRODUCT: 28 cases, each containing 6 6-pound, 7-ounce cans, of cherries at Warren, Pa. Examination showed that the article was substandard in quality because of excessive pits, an average of 7.5 pits having been found in each 20 ounces of canned cherries.

*See also Nos. 8653-8657, 8798.

LABEL, IN PART: "Gervas * * * Red Sour Pitted Cherries in Water Packed By Gervas Canning Company, Inc., Fredonia, N. Y."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the product fell below the standard for canned cherries prescribed by the regulations; and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

DISPOSITION: May 28, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

8741. Misbranding of canned peaches. U. S. v. 21 Cases and 149 Cases of Canned Peaches. Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 15275, 15277. Sample No. 2501-H.)

LIBELS FILED: February 17, 1945, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about November 23, 1944, by the Hawksbill Cannery, from Luray, Va.

PRODUCT: 170 cases, each containing 24 cans, of peaches at Charleston, W. Va.

LABEL, IN PART: "Hawksbill Brand Yellow Freestone Peaches in Light Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the product fell below the standard for canned peaches prescribed by the regulations since the weight of the largest unit in the container was more than twice the weight of the smallest unit, and all units were not untrimmed or so trimmed as to preserve normal shape; and (portion), Section 403 (g) (2), the label failed to bear, as required by the definition and standard for canned peaches, the name of the optional packing medium present in the article, since the label bore the statement "in Light Syrup," whereas the article was packed in sirup designated as "Slightly sweetened water" in the standard.

DISPOSITION: March 22, 1945. The Kroger Grocer and Baking Co., Charleston, W. Va., claimant, having admitted the material allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Food and Drug Administration.

8742. Misbranding of canned peaches. U. S. v. 166 Cases of Peaches. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 15255. Sample No. 2513-H.)

LIBEL FILED: February 12, 1945, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about December 22, 1944, by the Kroger Grocery and Baking Co., from Roanoke, Va.

PRODUCT: 166 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Charleston, W. Va.

LABEL, IN PART: "Zigler's Yellow Freestone Halves Peaches in Light Syrup Packed in U. S. A. by Zigler Canning Company Timberville, Va."

NATURE OF CHARGE: Misbranding, Section 403(h)(1), the product fell below the standard of quality for canned peaches since the weight of the largest unit in the container was more than twice the weight of the smallest unit therein, all of the units were not untrimmed or so trimmed as to preserve their normal shape, and the label failed to bear, as required by the regulations, the statement that the product fell below the standard.

DISPOSITION: March 22, 1945. The Kroger Grocery and Baking Co., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

8743. Adulteration of canned pineapple. U. S. v. 135½ Cases of Canned Crushed Pineapple. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15389. Sample Nos. 28007-H, 28008-H.)

LIBEL FILED: February 17, 1945, Western District of Washington.

ALLEGED SHIPMENT: During January 1945, by the Hawaiian Pineapple Co., from Honolulu, T. H.

PRODUCT: 135½ cases, each containing 6 cans, of crushed pineapple at Seattle, Wash. Examination showed that the cans were rusty, leaking, and contained pinholes, and that the product in the cans was fermented.

NATURE OF CHARGE: Adulteration, Section 402(a)(3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 1, 1945. The Hawaiian Pineapple Co., Ltd., Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be segregated and sorted, and the bad portion to be destroyed, under the supervision of the Food and Drug Administration.

DRIED FRUIT

8744. Adulteration of raisins. U. S. v. 3,200 Cases of Raisins. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15421. Sample No. 13709-H.)

LIBEL FILED: February 24, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: On or about January 23, 1944, by the Fresno Consumers Ice Co., from Fresno, Calif.

PRODUCT: 3,200 cases, each containing 25 pounds, of raisins at Cleveland, Ohio.

LABEL, IN PART: "Wesco Brand California Thompson Seedless Raisins."

NATURE OF CHARGE: Adulteration, Section 402(a)(3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, moths, and insect fragments.

DISPOSITION: April 27, 1945. The San Benito Co., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be used only for purposes of distillation.

8745. Adulteration of raisins. U. S. v. 74 Boxes of Raisins. Default decree of condemnation and destruction. (F. D. C. No. 15207. Sample No. 10204-H.)

LIBEL FILED: February 6, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: On or about December 20, 1944, by the H. J. Heinz Co., Pittsburgh, Pa.

PRODUCT: 74 30-pound boxes of raisins at Youngstown, Ohio

LABEL, IN PART: "Sun-Maid Midget Thompson Seedless Raisins Sun-Maid Raisin Growers of California Fresno, California."

NATURE OF CHARGE: Adulteration, Section 402(a)(3), the product consisted in whole or in part of a filthy substance by reason of the presence of moths and larvae.

DISPOSITION: March 12, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8746. Adulteration of raisins. U. S. v. 50 Cases of Raisins. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15169. Sample No. 27512-H.)

LIBEL FILED: On or about February 8, 1945, District of Oregon.

ALLEGED SHIPMENT: On or about July 6, 1944, by the California Raisin Co., from Fowler, Calif.

PRODUCT: 50 cases, each containing 48 15-ounce packages, of raisins at Portland, Oreg.

LABEL, IN PART: (Packages) "Sun King Thompson Seedless Raisins."

NATURE OF CHARGE: Adulteration, Section 402(a)(3), the product consisted in whole or in part of larvae, cocoons, and insect-infested raisins.

DISPOSITION: March 31, 1945. The consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for distillation into alcohol, under the supervision of an officer designated by the Federal Security Administrator.

FRESH FRUIT

8747. Adulteration of apples. U. S. v. 18 Bushel Boxes of Apples. Default decree of condemnation. Product ordered delivered to a State institution. (F. D. C. No. 15110. Sample No. 90188-F.)

LIBEL FILED: December 26, 1944, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about November 16, 1944, by the Yakima County Horticultural Union, from Yakima, Wash.

PRODUCT: 18 bushel boxes of apples at Little Rock, Ark.

LABEL, IN PART: (Boxes) "Ribbon Brand Yakima Apples."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained an added poisonous or deleterious substance, lead, which might have rendered it injurious to health.

DISPOSITION: January 24, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a State institution, conditioned that the peel and cores be destroyed.

8748. Adulteration of apples. U. S. v. 96 Boxes of Apples. Default decree of forfeiture. Product ordered distributed to charitable institutions. (F. D. C. No. 15326. Sample No. 96807-F.)

LIBEL FILED: December 11, 1944, Western District of Texas.

ALLEGED SHIPMENT: On or about November 17, 1944, by the Northern Fruit Co., from Wenatchee, Wash.

PRODUCT: 96 bushel boxes of apples at San Antonio, Tex.

LABEL, IN PART: "Grown by E. T. Farrington, Wenatchee, Washington * * * Blue T Brand Apples."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained an added poisonous or deleterious substance, lead, which might have rendered it injurious to health.

DISPOSITION: March 17, 1945. No claimant having appeared, judgment of forfeiture was entered and the product was ordered reprocessed, under the supervision of the Food and Drug Administration, and distributed to charitable institutions after it had been made safe for human consumption.

8749. Adulteration of fresh dates. U. S. v. 71 Flats and 4 Flats of Fresh Dates. Default decrees of condemnation and destruction. (F. D. C. Nos. 15220, 15224. Sample Nos. 27311-H to 27313-H, incl.)

LIBELS FILED: February 9, 1945, District of Oregon.

ALLEGED SHIPMENT: On or about December 13, 1944, by the Keim Produce Co., from Los Angeles, Calif.

PRODUCT: 71 flats and 4 flats of fresh dates at Salem, Oreg., and Eugene, Oreg., respectively.

LABEL, IN PART: (Portion, packages) "Romley's Finest Arizona Fresh Dates Net Weight 8 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of beetles and fermenting dates.

DISPOSITION: March 6, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

MISCELLANEOUS FRUIT PRODUCTS

8750. Adulteration of apple butter. U. S. v. 200 Cases of Apple Butter. Default decree of condemnation and destruction. (F. D. C. No. 15195. Sample No. 80391-F.)

LIBEL FILED: On or about February 11, 1945, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about October 6, 1944, by the Preserve Products Co., from St. Louis, Mo.

PRODUCT: 200 cases, each containing 12 1-pound, 12-ounce jars, of apple butter at Jonesboro, Ark.

LABEL, IN PART: "Blue Star Pure Apple Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, and a large number of mites.

DISPOSITION: March 22, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8751. Adulteration of glace apricots. U. S. v. 120 Boxes of Glace Apricots. Default decree of condemnation and destruction. (F. D. C. No. 15431. Sample Nos. 75680-F, 10408-H.)

LIBEL FILED: February 23, 1945, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 22, 1944, by Townsend's California Glace Fruits Corporation, from San Francisco, Calif.

PRODUCT: 120 8-pound boxes of glace apricots at Pittsburgh, Pa.

LABEL, IN PART: "California Glace Fruits Apricots prepared with Pure Cane Sugar and Glucose."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the product had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: March 29, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8752. Adulteration of fig paste. U. S. v. 81 Cartons of Fig Paste. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15119. Sample No. 52142-F.)

LIBEL FILED: January 29, 1945, District of Massachusetts.

ALLEGED SHIPMENT: On or about October 19, 1944, by the Bonner Packing Co., from Fresno, Calif.

PRODUCT: 81 cartons, each containing 80 pounds, of fig paste at Boston, Mass.

LABEL, IN PART: "Bonner Adriatic Paste Figs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae and insect fragments.

DISPOSITION: May 31, 1945. The Bonner Packing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for conversion into distilled spirits, under the supervision of the Food and Drug Administration.

8753. Adulteration of fig puree and sugar mix. U. S. v. 566 Cartons of Fig Puree and Sugar Mix. Default decree of condemnation and destruction. (F. D. C. No. 15219. Sample No. 9521-H.)

LIBEL FILED: February 7, 1945, Western District of New York.

ALLEGED SHIPMENT: On or about November 1 and 3, 1943, by the R. D. Pringle Co., from Baltimore, Md.

PRODUCT: 566 33½-pound cartons of fig puree and sugar mix at Buffalo, N. Y. This product was sour.

LABEL, IN PART: "Parch-Pakt Frozen * * * Kadota Fig Puree and Sugar Mix."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 5, 1945. No claimant having appeared judgment of condemnation was entered and the product was ordered destroyed.

8754. Misbranding of canned fruit cocktail. U. S. v. 271 Cases of Canned Fruit Cocktail. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15096. Sample No. 6046-H.)

LIBEL FILED: January 27, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about December 18, 1944, by W. J. Withers, San Francisco, Calif.

PRODUCT: 271 cases, each containing 48 1-pound cans, of fruit cocktail at New York, N. Y.

LABEL, IN PART: (Cans) "White Rose Cocktail Fruits * * * Seeman Brothers Incorporated Distributors New York, N. Y."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard for canned fruit cocktail since the mixture of drained fruit contained more than 50 percent by weight of pitted, peeled, and diced peaches, less than 25 percent by weight of peeled, cored, and diced pears, and less than 6 percent by weight of peeled and cored pineapple, cut into sectors.

DISPOSITION: February 27, 1945. Seeman Brothers, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

8755. Adulteration of guava paste. U. S. v. 2,398 Cartons and 99 Cases of Guava Paste. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15312. Sample Nos. 514-H, 518-H.)

LIBEL FILED: On or about March 3, 1945, Eastern District of South Carolina.

ALLEGED SHIPMENT: Between the approximate dates of October 9 and December 21, 1943, from Santiago and Del Rio, Cuba.

PRODUCT: 2,398 cartons, each containing 25 pounds, and 99 cases, each containing 4 10-pound blocks, of guava paste at Charleston, S. C., in the possession of the Charles R. Allen Warehouse. The product was stored under insanitary conditions after shipment. Some of the cases had been rodent-gnawed, and rodent pellets were observed on them. Examination showed that the article contained rodent pellets.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: April 10, 1945. Charles R. Allen, claimant, having admitted that a portion of the product was adulterated, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

8756. Adulteration of glace fruit. U. S. v. 3 Barrels of Glacé Fruit. Default decree of condemnation and destruction. (F. D. C. No. 15353. Sample No. 107-H.)

LIBEL FILED: March 14, 1945, Southern District of Florida.

ALLEGED SHIPMENT: On or about January 17, 1945, by the Spaulding Bakeries, Inc., from Binghamton, N. Y.

PRODUCT: 3 barrels containing approximately 1,566 pounds of glace fruits at Highland City, Fla.

LABEL, IN PART: "Garden Brand Glacé Fruits * * * Garden Fruit Specialties Co., Lakeland, Fla."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 21, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8757. Adulteration of assorted jellies. U. S. v. 395 Cases of Apple, Strawberry, Currant, Blackberry, and Grape Jellies. Default decree of condemnation and destruction. (F. D. C. No. 15197. Sample Nos. 81135-F to 81139-F, incl.)

LIBEL FILED: February 3, 1945, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about September 15, 1944, by the Preserve Products Co., from St. Louis, Mo.

PRODUCT: 50 cases of apple jelly, 140 cases of strawberry jelly, 60 cases of currant jelly, 55 cases of blackberry jelly, and 90 cases of grape jelly, each case containing 24 1-pound jars, at Oklahoma City, Okla.

LABEL, IN PART: "Blue Star Pure Strawberry [or "Currant," "Blackberry," or "Grape"] Jelly," or "Haddon Hall Pure Apple Jelly."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of large numbers of mites.

DISPOSITION: April 7, 1945. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

8758. Misbranding of vinegar. U. S. v. 1,400 Cases of Vinegar. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15215. Sample No. 74734-F.)

LIBEL FILED: February 27, 1945, District of Oregon.

ALLEGED SHIPMENT: On or about September 7, 14, and 22, 1944, by the Table Products Co., from Seattle, Wash.

PRODUCT: 1,400 cases, each containing 4 1-gallon jugs, of vinegar at Portland, Oreg. This product was short of the declared volume.

LABEL, IN PART: "Old Mill Brand Apple Cider Vinegar * * * Net Contents One Gallon."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product was food in package form and it failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: April 2, 1945. The Glenfield Food Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law by relabeling or refilling the containers, under the supervision of an employee of the Federal Security Administrator. On April 9, 1945, an amended decree was entered, substituting the name of the claimant for the one erroneously given.

VEGETABLES

8759. Misbranding of canned beans. U. S. v. 300 Cases of a product labeled in part: "Square Meal Brand Extra Standard Tomatoes." Product ordered released under bond. (F. D. C. No. 15174. Sample No. 81278-F.)

LIBEL FILED: On or about February 26, 1944, District of Kansas.

ALLEGED SHIPMENT: On or about September 15, 1944, by the Chamberlain Canning Co., Anderson, Mo.

PRODUCT: 300 cases, each containing 24 cans labeled "canned tomatoes," at Mulberry, Kans. Examination showed that some of the cans contained green beans instead of tomatoes.

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Tomatoes" was false and misleading as applied to beans.

DISPOSITION: March 23, 1945. The Chamberlain Canning Co. having appeared as claimant, the product was ordered released under bond to be relabeled and brought into compliance with the law, under the supervision of the Food and Drug Administration.

8760. Adulteration of canned beans with pork. U. S. v. 1,100 Cases of Canned Beans with Pork. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 15288. Sample No. 718-H.)

LIBEL FILED: February 17, 1945, Northern District of Georgia.

ALLEGED SHIPMENT: On or about January 12, 1945, by the Phillips Sales Co., Inc., from Cambridge, Md.

PRODUCT: 1,100 cases, each containing 24 1-pound, 5-ounce cans, of beans with pork at Atlanta, Ga.

LABEL, IN PART: "Phillips Delicious Beans with Pork and Delicious Tomato Sauce Packed by Phillips Packing Company, Inc. Cambridge, Md."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 9, 1945. The Phillips Sales Co., Inc., claimant, having admitted that a portion of the product was unfit for human consumption, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

8761. Adulteration of lima beans. U. S. v. 6 Bags of Lima Beans. Default decree of condemnation and destruction. (F. D. C. No. 15383. Sample No. 9313-H.)

LIBEL FILED: February 14, 1945, Western District of New York.

ALLEGED SHIPMENT: On or about December 9, 1943, and January 27, 1944, from Oxnard, Calif.

PRODUCT: 6 100-pound bags of lima beans at Elmira, N. Y., in the possession of the Elmira Wholesale Grocery Co. The product had been stored under insanitary conditions after shipment. Some of the bags had been gnawed by rodents, and rodent excreta was found on and in the bags.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: April 4, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8762. Adulteration of celery. U. S. v. 470 Crates of Celery. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15334. Sample No. 22624-H.)

LIBEL FILED: February 17, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about February 7, 1945, by William S. Wright, from National City, Calif.

PRODUCT: 470 crates of celery at St. Louis, Mo.

LABEL, IN PART: "Salesmaker Selected Vegetables."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained an added poisonous or deleterious substance, arsenic, which might have rendered it injurious to health.

DISPOSITION: February 19, 1945. William S. Wright, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond to be brought into compliance with the law, or destroyed, under the supervision of the Food and Drug Administration. The product was subsequently destroyed.

8763. Misbranding of hominy grits. U. S. v. 148 Bales of Hominy Grits. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 15411. Sample No. 24188-H.)

LIBEL FILED: February 21, 1945, Southern District of Alabama.

ALLEGED SHIPMENT: On or about January 31, 1945, by the Meridian Grain & Elevator Co., from Meridian, Miss.

PRODUCT: 148 bales, each containing 12 bags, of hominy grits at Mobile, Ala. Examination showed that the article was short-weight.

LABEL, IN PART: (Bags) "2 Lbs. Net NunBetter Grits Degerminated Hominy Grits."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: March 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

8764. Misbranding of canned mushrooms. U. S. v. 16 Cases of Canned Mushrooms. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 15261. Sample Nos. 28501-H, 28502-H.)

LIBEL FILED: February 13, 1945, Western District of Washington.

ALLEGED SHIPMENT: October 13 and 30, 1944, by the West Mushroom Co., from Salem, Oreg.

PRODUCT: 16 cases, each containing 12 cans, of mushrooms at Seattle, Wash. Examination showed that both lots of mushrooms were short-weight and that the sliced mushrooms contained pieces and stems of mushrooms.

LABEL, IN PART: (Cans) "Shady Oak Fancy Sliced [or "Fancy Button"] Mushrooms, Net Drained Weight 8 Oz. Avoir."

NATURE OF CHARGE: Misbranding, Section 403 (a), (sliced mushrooms) the label statement "Fancy Sliced Mushrooms" was false and misleading as applied to the product, which consisted of a mixture of sliced mushrooms and pieces and stems of mushrooms; and, Section 403 (e) (2), (both lots) the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 31, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.

8765. Adulteration of dried mushrooms. U. S. v. 40 Cases of Dried Mushrooms. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 15167. Sample No. 83265-F.)

LIBEL FILED: January 29, 1945, Northern District of California.

ALLEGED SHIPMENT: On or about July 19, 1944, by H. Schoenfeld and Sons, from New York, N. Y.

PRODUCT: 40 25-pound cases of dried mushrooms at San Francisco, Calif.

LABEL, IN PART: "Dried Chilean Mushrooms."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect fragments, insect excreta, and webbing.

DISPOSITION: March 31, 1945. Parodi Erminio & Co., Inc., San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into conformity with the law, under the supervision of the Food and Drug Administration.

8766. Adulteration of canned peas. U. S. v. 439 Cases of Canned Peas. Decree condemning all abnormal cans. Product ordered released under bond for destruction of unfit portion. (F. D. C. No. 15253. Sample Nos. 10401-H, 10402-H.)

LIBEL FILED: February 13, 1945, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 23, 1944, by the Lakeside Packing Co., from Manitowoc, Wis.

PRODUCT: 439 cases, each containing 24 cans, of peas at Pittsburgh, Pa. Examination showed that the product was undergoing active decomposition.

LABEL, IN PART: "Sweet Life Sweet Sifted Peas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: August 14, 1945. The Lakeside Packing Co., claimant, having petitioned the court for the release of such cans of the product that were not abnormal, judgment of condemnation and destruction was entered against all of the abnormal cans. It was ordered that the product be released under bond, conditioned upon the segregation and the destruction of the abnormal cans, under the supervision of the Food and Drug Administration.

8767. Adulteration of frozen pea puree. U. S. v. 184 Boxes of Frozen Pea Puree. Default decree of condemnation and destruction. (F. D. C. No. 14980. Sample Nos. 86591-F, 86594-F.)

LIBEL FILED: On or about January 17, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about December 15, 1943, and February 11, 1944, by the Cedergreen Frozen Pack Corporation, from Wenatchee, Wash.

PRODUCT: 184 boxes, each containing 6 5-pound packages, of frozen pea puree at Chicago, Ill.

LABEL, IN PART: "Cedergreen Brand Pea Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: June 4, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8768. Adulteration of cherry peppers. U. S. v. 65 Cases of Cherry Peppers. Default decree of condemnation and destruction. (F. D. C. No. 14606. Sample No. 82549-F.)

LIBEL FILED: November 30, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about January 6 and February 15, 1944, by Spare-Way Food Products, from Brooklyn, N. Y.

PRODUCT: 65 cases, each containing 12 1-quart jars, of cherry peppers at Newark, N. J. Examination showed that the product was undergoing active fermentation.

LABEL, IN PART: "Spare-Way Brand Cherry Peppers."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8769. Adulteration and misbranding of sauerkraut. U. S. v. 199 Cases of Sauer Kraut. Default decree of condemnation and destruction. (F. D. C. No. 15227. Sample Nos. 9502-H, 9518-H.)

LIBEL FILED: February 9, 1945, Western District of New York.

ALLEGED SHIPMENT: On or about December 6, 1944, by the Morgan Packing Co., from Austin, Ind.

PRODUCT: 199 cases, each containing 12 jars, of sauerkraut at Buffalo, N. Y. Examination showed that the article was short-weight.

LABEL, IN PART: (Jars) "Scott Co. Sauer Kraut * * * Contents 2 Lbs."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), brine had been substituted in part for sauerkraut, which the product was represented to be. Misbranding, Section 403 (d), the container was so filled as to be misleading since the jars containing the article appeared to contain more sauerkraut than was actually the case; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: March 12, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8770. Adulteration of sauerkraut. U. S. v. 56 Kegs of Sauerkraut. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15346. Sample No. 5982-H.)

LIBEL FILED: March 7, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about February 13, 1945, by Silver Shredded Sauerkraut, from Port Gibson, N. Y.

PRODUCT: 56 kegs, each containing 11 gallons, of sauerkraut at Perth Amboy, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of waxy and resinous material.

DISPOSITION: April 4, 1945. Silver Shredded Sauerkraut, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and denaturing, or destruction, of the unfit portion, under the supervision of the Food and Drug Administration.

8771. Adulteration of canned spinach. U. S. v. 379 Cases of Canned Spinach. Default decree of condemnation and destruction. (F. D. C. No. 15407. Sample No. 22606-H.)

LIBEL FILED: February 20, 1945, Southern District of Iowa.

ALLEGED SHIPMENT: On or about October 10, 1944, by the Clarksville Cooperative Canning Association of Clarksville, Ark., from Kansas City, Mo.

PRODUCT: 379 cases, each containing 24 cans, of spinach at Davenport, Iowa.

LABEL, IN PART: "Golden Valley Spinach Contents 1 lb. 2 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 3, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8772. Adulteration of frozen squash. U. S. v. 65 Cases of Frozen Squash. Default decree of condemnation and destruction. (F. D. C. No. 15447. Sample No. 27328-H.)

LIBEL FILED: March 2, 1945, District of Oregon.

ALLEGED SHIPMENT: On or about January 24, 1945, by the Cedergreen Frozen Pack Corporation, from Wenatchee, Wash.

PRODUCT: 65 30-pound cases of frozen squash at Portland, Oreg.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 10, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

NUTS AND NUT PRODUCTS*

8773. Adulteration of areca nuts. U. S. v. 115 Bags of Areca Nuts. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15434. Sample No. 22432-H.)

LIBEL FILED: February 26, 1945, Southern District of Illinois.

ALLEGED SHIPMENT: September 21, 1944, by the Saboor Chatoor Co. of Colombo, from New York, N. Y.

PRODUCT: 115 100-pound bags of areca nuts at Peoria, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of filthy and decomposed substances by reason of the presence of insects, insect excreta, and moldy nuts.

DISPOSITION: May 24, 1945. Allaire Woodward and Co., Peoria, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

8774. Adulteration of cashew nuts. U. S. v. 10 Cases of Cashew Nuts. Default decree of condemnation and destruction. (F. D. C. No. 15444. Sample No. 28015-H.)

LIBEL FILED: February 28, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about September 30, 1944, by Zaloom & Co., from New York, N. Y.

PRODUCT: 5 cases of split cashew nuts and 5 cases of whole cashew nuts, each case containing 2 25-pound tins, at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, insect excreta, webbing, and insect-infested nuts.

DISPOSITION: April 28, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8775. Adulteration of cashew kernels. U. S. v. 4 Tins of Cashew Kernels. Consent decree of condemnation and destruction. (F. D. C. No. 15420. Sample No. 26522-H.)

LIBEL FILED: On or about February 28, 1945, District of Colorado.

ALLEGED SHIPMENT: On or about November 6, 1944, by the Braun Importing Co., from New York, N. Y.

PRODUCT: 4 25-pound tins of cashew kernels at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, larva fragments, webbing, and insect excreta.

DISPOSITION: March 28, 1945. The consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

8776. Adulteration of peanuts in shell. U. S. v. 175 Bags of Peanuts in Shell. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15395. Sample No. 18214-H.)

LIBEL FILED: February 17, 1945, Northern District of Iowa.

ALLEGED SHIPMENT: On or about August 10, 1944, from Suffolk, Va.

PRODUCT: 175 90-pound bags of peanuts in shell at Dubuque, Iowa, in the possession of the Lawson Warehouse & Transfer. The article was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent pellets were observed on them. Examination showed that the article contained rodent pellets, rodent hairs, and insect-infested and moldy peanuts.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

*See also Nos. 8783, 8784.

DISPOSITION: March 13, 1945. The Pond Bros. Peanut Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration.

8777. Adulteration of pecan meats. U. S. v. 82 Boxes of Pecan Meats. Default decree of condemnation and destruction. (F. D. C. No. 15378. Sample No. 17409-H.)

LIBEL FILED: February 21, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about May 2, 1944, by the Havana Canning Co., from Havana, Fla.

PRODUCT: 82 27-pound boxes of pecan meats at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect webbing, insect excreta, and moldy and decomposed nut meats; and it was otherwise unfit for food by reason of the presence of black-spotted pecan kernels.

DISPOSITION: June 4, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8778. Adulteration of shelled pecans. U. S. v. 17 Cartons of Shelled Pecans. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15341. Sample No. 2829-H.)

LIBEL FILED: March 1, 1945, District of Columbia.

ALLEGED SHIPMENT: On or about June 27, 1944, from Orangeburg, S. C.

PRODUCT: 17 55-pound cartons of shelled pecans at Washington, D. C., in the possession of the Terminal Refrigerating and Warehousing Corporation, 11th Street Plant. The product had been stored under insanitary conditions after shipment. Some of the cartons had been gnawed by rodents, and rodent excreta pellets were observed inside the cartons. Examination showed that the product contained rodent excreta pellets.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: March 29, 1945. Edward M. Swing (Polly Trent Candy Co.), Washington, D. C., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit portion from the unfit portion, under the supervision of the Food and Drug Administration. The unfit portion was to be delivered to the National Zoological Park, for use as animal feed.

8779. Adulteration of shelled pecans. U. S. v. 50 Cartons of Shelled Pecans. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15423. Sample No. 18832-H.)

LIBEL FILED: February 24, 1945, District of Minnesota.

ALLEGED SHIPMENT: On or about January 23, 1945, by the Gulf States Pecan Co., from Waycross, Ga.

PRODUCT: 50 30-pound cartons of shelled pecans at Minneapolis, Minn.

LABEL, IN PART: "Gulf Brand * * * Selected Medium Pecan Halves."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of *Escherichia coli*.

DISPOSITION: March 21, 1945. The Gulf States Pecan Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was reprocessed by washing and heating.

8780. Adulteration of shelled walnuts. U. S. v. 8 Cases of Shelled Walnuts. Default decree of condemnation and destruction. (F. D. C. No. 15396. Sample No. 27223-H.)

LIBEL FILED: February 19, 1945, Eastern District of Washington.

ALLEGED SHIPMENT: On or about December 22, 1944, by the Consolidated Nut Co., from Los Angeles, Calif.

PRODUCT: 8 25-pound cases of shelled walnuts at Spokane, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-damaged and moldy walnuts.

DISPOSITION: March 17, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8781. Adulteration of walnut meats. U. S. v. 12 Cases of Walnut Meats. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15399. Sample No. 28321-H.)

LIBEL FILED: February 17, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about February 6, 1945, by the Benjamin Holland Mfg. Co., from Seattle, Wash.

PRODUCT: 12 cases, each containing 25 pounds, of walnut meats at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-damaged and moldy walnut meats.

DISPOSITION: March 19, 1945. The Consolidated Nut Co., Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

8782. Adulteration of walnut meats. U. S. v. 25 Cartons of Walnut Meats. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15428. Sample No. 29152-H.)

LIBEL FILED: On or about February 28, 1945, District of Colorado.

ALLEGED SHIPMENT: On or about February 12, 1945, by the L. DeMartini Co., from San Francisco, Calif.

PRODUCT: 25 25-pound cartons of walnut meats at Denver, Colo.

LABEL, IN PART: "West Owl Brand, Shelled Walnut Halves & Pieces."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of larvae, insect excreta, and webbing, and moldy or decomposed nut meats.

DISPOSITION: March 26, 1945. The L. DeMartini Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration.

OILS AND FATS*

8783. Adulteration and misbranding of edible oils. U. S. v. 7 Cases of Edible Oil (and 5 other seizure actions against edible oils). Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 13840, 13842, 13849 to 13851, incl., 14029. Sample Nos. 82769-F, 82770-F, 82772-F to 82775-F, incl., 82777-F.)

LIBELS FILED: Between September 29, 1944, and October 16, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about August 23 and September 6, 1944, by the Lucatelli Packing Co., from West New York, N. J.

PRODUCT: 11 1-gallon cans and 5 cases, each containing 6 1-gallon cans, of edible oil at New York, N. Y., and 24 1-gallon cans and 12 cases, each containing 6 1-gallon cans, of edible oil at Bronx, N. Y. Analysis showed that a portion of the product consisted essentially of peanut oil and cottonseed oil,

*See also No. 8792.

containing little or no olive oil, and that the remainder consisted essentially of cottonseed oil, with little or no peanut, corn, or olive oil.

LABEL, IN PART: "Lucatelli Brand Choice Peanut Oil Blended with Olive Oil," or "Superfine Product Cimarosa Brand 100% Pure Fine Cottonseed, Peanut, Corn and Extra Virgin Olive Oil."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), (Lucatelli brand) a substance consisting essentially of peanut oil and cottonseed oil, containing little or no olive oil, had been substituted in whole or in part for "Choice Peanut Oil Blended with Olive Oil," which the product was represented to be; (Cimarosa brand) a substance consisting essentially of cottonseed oil, with little or no peanut, corn, or olive oil, had been substituted in whole or in part for "100% Pure Fine Cottonseed, Peanut, Corn and Extra Virgin Olive Oil," which the article was represented to be.

Misbranding, Section 403 (a), the following statements on the labels were false and misleading: (Lucatelli brand) "Choice Peanut Oil Blended with Olive Oil * * * However, in order to further improve our product, we have added a generous portion of one hundred percent pure virgin Olive Oil, the result being a superior blended oil of extra fine quality and delicate flavor, guaranteed to satisfy the taste of the most discriminating consumers," and "Choice Peanut Oil Blended with Olive Oil" (and similar statements in a foreign language); and (Cimarosa brand) "100% Pure Fine Cottonseed, Peanut, Corn and Extra Virgin Olive Oil."

DISPOSITION: June 12, 1945. The Lucatelli Packing Co., claimant, having admitted the allegations of the libels, and the cases having been consolidated, judgment of condemnation was entered and the products were ordered released under bond for relabeling under the supervision of the Federal Security Agency.

8784. Misbranding of peanut and salad oils. U. S. v. 399 Cases of Peanut Oil and 100 Cases of Corn and Cottonseed Salad Oil. Consent decree of condemnation. Products ordered released under bond. (F. D. C. Nos. 15436, 15438. Sample Nos. 28116-H, 28119-H, 28127-H.)

LIBELS FILED: March 12 and 15, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about January 6, 1945, by the Italian Cook Oil Corporation, from Brooklyn, N. Y.

PRODUCT: 399 cases, each containing 24 1-pint bottles, of peanut oil and 100 cases, each containing 6 1-gallon cans, of corn and cottonseed salad oil at Seattle, Wash. Examination showed that the products were short-volume.

LABEL, IN PART: "Royal Cook Brand Peanut Oil One Pint," or "One Gallon Italian Cook Brand Pure Corn and Cottonseed Salad Oil."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the products failed to bear labels containing accurate statements of the quantity of the contents.

DISPOSITION: April 20, 1945. The cases having been consolidated, and the Italian Cook Oil Corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered released under bond to be repackaged and relabeled under the supervision of the Federal Security Agency.

8785. Adulteration of salad dressing. U. S. v. 148 Cases of Salad Dressing. Product ordered destroyed. (F. D. C. No. 14780. Sample No. 80994-F.)

LIBEL FILED: On or about December 19, 1944, Western District of Missouri.

ALLEGED SHIPMENT: On or about March 1, 1944, by the Lafayette Mayonnaise Products Co., from Lafayette, Ind.

PRODUCT: 148 cases, each containing 12 1-quart jars, of salad dressing at Kansas City, Mo. Examination showed that the product was rancid.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 5, 1945. No claimant having appeared, the product was ordered destroyed. It was mixed with feed, for use as hog feed.

SPICES AND FLAVORS

8786. Adulteration and misbranding of oil of lemon. U. S. v. Standard Synthetics, Inc. Plea of guilty. Total fine, \$500 on 5 counts; sentence suspended on 3 counts. (F. D. C. No. 10623. Sample Nos. 11304-F, 11326-F to 11328-F, incl.)

INFORMATION FILED: On October 4, 1944, in the Southern District of New York, against the Standard Synthetics, Inc., New York, N. Y.

ALLEGED SHIPMENT: Between the approximate dates of August 19 and December 28, 1942, from the State of New York into the State of California.

LABEL, IN PART: (Portions) "Oil of Lemon Baja Brand," or "Oil of Lemon 'Baja Brand' U. S. P."; (invoice of one lot) "Oil of Lemon * * * U. S. P."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), lemon oil distillate or a mixture of distillates of lemon oil, had been substituted in whole or in part for oil of lemon or oil of lemon U. S. P., which the article purported or was represented to be.

Misbranding, Section 403 (a), the label statements, "Oil of Lemon" and "Oil of Lemon * * * U. S. P.," were false and misleading since the article was not oil of lemon and it did not conform with the specifications of the United States Pharmacopoeia for oil of lemon; Section 403 (b), the article was offered for sale under the name of another food, i. e., oil of lemon U. S. P.; Section 403 (c), it was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; and, Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

A portion of the article was also alleged to be adulterated under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1368.

DISPOSITION: October 13, 1944. A plea of guilty having been entered, the defendant was fined \$100 on each of counts 1, 3, 5, 6, and 8, charging adulteration of the product both as a food and a drug. Imposition of sentence was suspended on counts 2, 4, and 7, charging misbranding of the product as a food.

8787. Adulteration and misbranding of imitation chocolate extract. U. S. v. 10½ Cases of Imitation Chocolate Extract. Default decree of condemnation and destruction. (F. D. C. No. 14869. Sample No. 88092-F.)

LIBEL FILED: December 26, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about March 13, 1943, by the Victory Extract Manufacturing Co., from Rochester, N. Y.

PRODUCT: 10½ cases, each containing 24 4-ounce bottles, of imitation chocolate extract at Malden, Mass.

LABEL, IN PART: "Victory Brand Imitation Chocolate Concentrated Extract."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a solution having no flavor of chocolate and containing inconsequential amounts of two of the important members of the vitamin B complex, B₁ and riboflavin, had been substituted in whole or in part for "Imitation Chocolate Concentrated Extract Enriched with Vitamin B Complex."

Misbranding, Section 403 (a), the statements on the label, "Imitation Chocolate Concentrated Extract Enriched with Vitamin B Complex * * * For Chocolate Syrup * * * a substitute for any form of cocoa or chocolate. * * * is highly concentrated * * * Enriched with Vitamin B Complex Thiamin, Riboflavin (vitamin G)," were false and misleading as applied to a product which had no flavor of chocolate and which contained inconsequential amounts of vitamin B₁ and riboflavin.

DISPOSITION: January 29, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8788. Adulteration of whole ginger. U. S. v. 14 Bags of Whole Ginger. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15463. Sample Nos. 22627-H, 22628-H.)

LIBELS FILED: March 3, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 29, 1942, by the Otto Gerau Co., from Brooklyn, N. Y.

PRODUCT: 13 128-pound bags and 1 125-pound bag of whole ginger at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect excreta.

DISPOSITION: March 26 and April 5, 1945. Joseph Frimel, Jr., trading as the Commercial Coffee Co., having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

8789. Adulteration of nutmegs. U. S. v. 1 Bag of Nutmegs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15464. Sample No. 22626-H.)

LIBEL FILED: March 3, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 24, 1944, by Dalton Cooper, Inc., from Brooklyn, N. Y.

PRODUCT: 1 bag containing about 200 pounds of nutmegs at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insects, insect fragments, and moldy nutmegs.

DISPOSITION: March 26, 1945. Joseph Frimel, Jr., doing business as the Commercial Coffee Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be destroyed or to be brought into compliance with the law. On April 18, 1945, an amended decree was entered, permitting the shipment of the nutmegs to New York to be sold for the purpose of recovering the volatile oils by distillation, under the supervision of the Food and Drug Administration.

MISCELLANEOUS FOOD PRODUCTS

8790. Misbranding of saponin. U. S. v. 550 Pounds and 9,300 Pounds of Saponin. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15416. Sample Nos. 17106-H, 17107-H.)

LIBEL FILED: On or about March 8, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: Between the approximate dates of September 9 and November 8, 1944, by the American Saponin Co., from San Bernardino, Calif.

PRODUCT: 9,850 pounds of saponin at Chicago, Ill. The product was to be used as an ingredient of food.

LABEL, IN PART: (Portions) "Saponin (Ex Yucca)," "Delson Foam Powder Non-Toxic Saponin," or "Delson Brand Yucca Cactus." The remainder of the product was unlabeled.

NATURE OF CHARGE: Misbranding, Section 403 (a), the names, "Saponin (Ex Yucca)," "Non-Toxic Saponin," and "Yucca Cactus" were false and misleading as applied to the product, which was a mixture of a powdered, foam-producing plant extractive, dehydrated sodium sulfate (glauber salt), magnesium sulfate (epsom salt), and borax. The labeling was misleading since it failed to reveal the material fact that the product contained a poisonous substance, borax, and the laxative drugs, epsom salt and glauber salt; Section 403 (e), a portion of the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor and an accurate statement of the quantity of the contents; and, Section 403 (i) (2), the label of portions of the product failed to bear the common or usual name of each ingredient.

DISPOSITION: June 5, 1945. J. H. DeLamar & Son, Chicago, Ill., claimant, having admitted the facts of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration.

8791. Adulteration and misbranding of green color. U. S. v. 10 Packages of Green Color. Default decree of condemnation and destruction. (F. D. C. No. 15297. Sample No. 6445-H.)

LIBEL FILED: February 21, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about November 6, 1944, by the Briganti Extract Co., Inc., from Brooklyn, N. Y.

PRODUCT: 10 1-gallon packages of green color at Hoboken, N. J. The article was sold for use in coloring edible oils.

LABEL, IN PART: "Green Color—Oil Soluble Harmless For Technical Use."

NATURE OF CHARGE: Adulteration, Section 402 (c), the article contained coal-tar colors other than those from batches that had been certified in accordance with the regulations, the colors being a combination of aniline, amino-phenol, and dihydroxy phenols, and D&C Green No. 6, which are not certifiable for use in foods.

Misbranding, Section 403 (i), the color was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: April 2, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8792. Adulteration of Cocoline. U. S. v. 10 Drums of Cocoline. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11895. Sample No. 35758-F.)

LIBEL FILED: On or about February 29, 1944, Northern District of Georgia.

ALLEGED SHIPMENT: On or about January 10, 1944, by the Lilly Co., from Nashville, Tenn.

PRODUCT: 10 drums, each containing 375 pounds, of Cocoline at Atlanta, Ga. The drums containing this product were unlabeled when shipped; the consignee, J. M. Henson Co., stencilled the words "Cocoline Mineral Base Oil" on them.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), mineral oil, a substance having no food value, had been substituted for a food ingredient which the article purported and was represented to be.

DISPOSITION: April 12, 1945. The J. M. Henson Co., Atlanta, Ga., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled, "White Petrolatum, A Mineral Oil Product, Not for Food Purposes," under the supervision of the Food and Drug Administration.

8793. Adulteration of goat rennet. U. S. v. 1 Barrel and 1 Box of Goat Rennet. Default decree of condemnation and destruction. (F. D. C. No. 15419. Sample No. 97645-F.)

LIBEL FILED: February 22, 1945, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about October 4, 1944, by R. Dionisio, from Trinidad, Colo.

PRODUCT: 1 barrel, containing about 300 pounds, and 1 box, containing about 180 pounds, of goat rennet at Fond du Lac, Wis.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, maggots, and larvae.

DISPOSITION: May 24, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8794. Misbranding of dessert stabilizer. U. S. v. 79 Cartons of Londonderry Dessert Stabilizer. Consent decree of condemnation and destruction. (F. D. C. No. 15450. Sample No. 29222-H.)

LIBEL FILED: March 6, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about February 8, 1945, by Londonderry, from San Francisco, Calif.

PRODUCT: 79 cartons, each containing 36 packages, of Londonderry Dessert Stabilizer at Chicago, Ill. Each package contained a booklet of recipes and a small envelope of light yellow powder.

LABEL, IN PART: "Londonderry Stabilizer for use in making Desserts. Just add to sugar & milk."

NATURE OF CHARGE: Misbranding, Section 403 (a), the name "Londonderry Desserts" was misleading as applied to an article which was not a dessert, and the misleading character of the designation was not corrected by the relatively inconspicuous statement, "Stabilizer for use in making," appearing before the word "Desserts," nor by the relatively inconspicuous statement, "Just add to sugar & milk," following the word "Desserts"; and, Section 403 (d), the con-

tainer was so filled as to be misleading since the envelope and powder occupied less than 25 percent of the package.

DISPOSITION: May 16, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES*

8795. Adulteration and misbranding of Broth-O-Life. U. S. v. 84 Bottles and 233 Bottles of Broth-O-Life. Default decree of condemnation and destruction. (F. D. C. No. 15130. Sample No. 85282-F.)

LIBEL FILED: January 31, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 17, 1944, by the Mark Vandewart Co., Inc., from New York, N. Y.

PRODUCT: 84 8-ounce bottles and 233 2-ounce bottles of Broth-O-Life at Chalfont, Pa. Examination showed that the article contained no demonstrable quantity of vitamin B₁.

LABEL, IN PART: (Bottles) "Howard Inches Broth-O-Life * * * Composed of * * * hydrolized vegetable protein * * * 800 Int. Units Vitamin B₁ * * * Howard Inches Products Inc. Chalfont, Pa."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B₁, had been in whole or in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "Broth-O-Life" was misleading as applied to a product which was essentially of no food value, and the label statement "800 Int. Units of Vitamin B₁" was false and misleading since the article did not contain the declared amount of vitamin B₁; and, Section 403 (k), the article contained an artificial flavor, and it failed to bear labeling stating that fact.

DISPOSITION: February 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8796. Adulteration and misbranding of Sol-A-Min. U. S. v. 218 Containers of Sol-A-Min and 1 Carton of Printed Matter. Default decree of condemnation and destruction. (F. D. C. No. 12247. Sample No. 50262-F.)

LIBEL FILED: April 24, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 31, 1943, by Universal Products, from Cleveland, Ohio.

PRODUCT: 218 containers, each containing 12 ounces, of Sol-A-Min, and 1 carton containing printed material, including a number of leaflets entitled, "Every Person Should Know About Sol-A-Min." The product was 65 percent deficient in vitamin C and 85 percent deficient in calcium.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, vitamin C and calcium, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statements, "One heaping teaspoonful (approximately $\frac{1}{2}$ ounce) supplies $\frac{1}{4}$ the minimum daily adult requirements of vitamins * * * C * * * and supplies the following proportions of the minimum daily adult requirements * * * $\frac{1}{6}$ of calcium," were false and misleading since the article would not supply the stated amounts of vitamin C or of calcium. Further misbranding, Section 403 (a), certain statements on the label and in the accompanying circular were false and misleading since they represented and suggested that the article would be of value as a source of soy beans, vitamin B₆, calcium pantothenate, magnesium, manganese, copper, zinc, boron, sulfur, and calcium; that it would be effective to insure good health and normal functioning of the various organs of the body; that it would be effective in preventing or correcting various abnormalities or diseases; and that it is not feasible to obtain the vitamins and minerals needed in normal nutrition from ordinary foods. The product was of no consequential nutritional value as a source of the above-named substances; it would not be effective to insure good health and normal functioning of the various organs of the body; and it would not be effective in preventing or correcting various abnormalities or diseases. Moreover, it is feasible to obtain the vitamins and minerals needed in normal nutrition from ordinary foods.

DISPOSITION: May 15, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

*See also Nos. 8656, 8787.

8797. Adulteration and misbranding of Hi-B Complex Tablets. U. S. v. 1 Can of Vitamin Tablets. Default decree of condemnation and destruction.
(F. D. C. No. 15126. Sample No. 74783-F.)

LIBEL FILED: February 3, 1945, District of Oregon.

ALLEGED SHIPMENT: On or about November 6, 1944, by Patten Concentrates, Inc., Burbank, Calif.

PRODUCT: 1 can containing 17,850 vitamin tablets at Portland, Oreg. Examination showed that the article was 66 percent deficient in vitamin B₁.

LABEL, IN PART: (Can) "Hi-B Complex Tablets * * * Each tablet contains: Vitamin B₁, 675 U. S. P. units; Vitamin B₂ (G), 2000 micrograms (2 milligrams); Vitamin B₆, 35 micrograms; pantothenic acid 100 micrograms ($\frac{1}{10}$ of 1 mg.) Nicotinic Acid (Niacin) 3350 micrograms ($3\frac{1}{2}$ mg.)."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B₁, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement, "Each Tablet Contains: Vitamin B₁, 675 U. S. P. Units," was false and misleading; Section 403 (e) (1), the label failed to bear the name and place of business of the manufacturer, packer, or distributor; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by man, by reason of its vitamin B₁, B₂, B₆, pantothenic acid, and nicotinic acid content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of vitamins B₁ and B₂ furnished by a specified quantity of the product when consumed during a period of 1 day and the statement that the need for vitamin B₆ and pantothenic acid in human nutrition has not been established.

DISPOSITION: March 5, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8798. Misbranding of Vitamato. U. S. v. 1,046 Cases of Vitamato. Consent decree of condemnation. Product ordered released for relabeling.
(F. D. C. No. 12439. Sample No. 29860-F.)

LIBEL FILED: May 31, 1944, District of Hawaii.

ALLEGED SHIPMENT: On or about May 1, 1944, by the Login Corporation, from San Francisco, Calif.

PRODUCT: 1,046 cases, each containing 24 12-ounce bottles, of Vitamato at Honolulu, T. H. This product consisted of finely comminuted tomato material, diluted with water containing added dextrose, salt, and spices, and containing insignificant amounts of vitamins C and B₁.

LABEL, IN PART: "Contains Vitamins A, B & C Enriched with Dextrose [vignette of a tomato] VITAMATO A Delicious Refreshing Cocktail Made From Tomatoes, Water, Dextrose, Salt, Citric Acid and Spices."

NATURE OF CHARGE: Misbranding, Section 403 (a), the vignette of a tomato, the name "Vitamato," and the statements, "A Delicious Refreshing Cocktail Made From Tomatoes * * * Contains Vitamins * * * B & C," appearing on the label, were false and misleading since the statements and design represented and suggested that the article was a tomato juice cocktail, a product generally understood to be tomato juice with added spices, with or without lemon juice, and that it contained nutritionally consequential amounts of vitamins B₁ and C in the amounts normally present in tomato juice or tomato juice cocktail. The article was not tomato juice or tomato juice cocktail, and it contained substantially smaller amounts of vitamins B₁ and C than are present in tomato juice or tomato juice cocktail.

Further misbranding, Section 403 (a), the statement "Enriched with Dextrose" suggested that the nutritional value of the article had been significantly improved by the addition of dextrose, whereas its nutritional value had not been significantly improved.

DISPOSITION: July 1, 1944. Theo. H. Davies & Co., Ltd., Honolulu, T. H., claimant, having admitted that the labeling of the product was false and misleading, judgment of condemnation was entered and the product was ordered released for relabeling under the supervision of the Food and Drug Administration.

8799. Misbranding of Vitalex Vitamin and Iron Tablets. U. S. v. 8 Boxes of Vitalex Vitamin and Iron Tablets. Default decree of destruction. (F. D. C. No. 13179. Sample No. 68503-F.)

LIBEL FILED: August 23, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about July 12, 1944, by the Carolina Chemical Co., Charleston, S. C.

PRODUCT: 8 boxes of the above-named product at Newark, Ohio. There were two unlabeled envelopes in each box, one containing brown-colored tablets and the other, light-colored tablets. Each of the brown-colored tablets contained 5 grains of iron sulfate, and the light-colored tablets contained brewers' yeast.

NATURE OF CHARGE: Misbranding, Section 403 (e), the article failed to bear a label on its immediate container stating the name and place of business of the manufacturer, packer, or distributor and an accurate statement of the quantity of the contents; and, Section 403 (j), it purported to be a food for special dietary uses by man, by reason of its content of iron and vitamin B₁, vitamin G, niacin, and other factors of the vitamin B complex, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of iron, vitamin B₁, and vitamin G and the quantity of niacin and other factors of the vitamin B complex supplied by a specified quantity of the food when consumed during a period of 1 day.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1403.

DISPOSITION: On September 29, 1944, no claimant having appeared, judgment was entered ordering that the product be destroyed.

8800. Misbranding of Lock's 9.12 Formula. U. S. v. 168 Packages of Lock's 9.12 Formula. Default decree of condemnation. Product ordered delivered to the National Zoological Park, for use as animal feed. (F. D. C. No. 13361. Sample No. 79299-F.)

LIBEL FILED: August 17, 1944, District of Columbia.

ALLEGED SHIPMENT: On or about August 2, 1944, by Lock's Laboratories, New York, N. Y.

PRODUCT: 168 packages of Lock's 9.12 Formula at Washington, D. C. Examination of a sample showed that the article consisted of approximately 63 percent of wheat germ, with smaller proportions of other ingredients, including seaweed, gum karaya, and yeast.

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements in the accompanying leaflet entitled "Eat for Health" were false and misleading since they represented and suggested that use of the article would assure health to the user; that the article would supply 9 vitamins and 12 minerals for which the need in human nutrition has been demonstrated and which are not supplied to the extent that they are needed in the ordinary diet; that the vitamins A, B, C, D, E, G, or B₂, B₆, niacin, and calcium pantothenate would promote appetite and growth, digestion and assimilation of food, normal nerve health, and normal adrenal function; that they would help to protect the eyes, ears, nose, and throat against infection, protect the body from nerve diseases and against infections of the respiratory tract, stimulate metabolic processes, and insure healthy blood vessels, gums, teeth, and skin; that those vitamins would prevent low resistance of the mucous membrane to cold infection, lowered resistance to skin infections, stones in kidney and bladder, poor vision, tear duct infections, corneal ulcers, rough, dry skin, nervousness, irritability, dyspepsia, retarded growth, brain disturbance, heart disturbance, dry, scaly skin, lack of muscular tone, weakness, loss of weight and vigor, weakened blood capillaries, general tendency to bleeding, decreased red blood cells, tender joints (pain and swelling), cataracts, sallow, pale complexion, anemia, spongy, swollen gums, decayed and defective teeth, low blood pressure, loss of appetite, reduced adrenal secretion, peptic and duodenal ulcer, bone abscesses, lowered resistance to tuberculosis, bowlegs, sterility, digestive disturbances, dermatitis, pigmentation and thickening of the skin, soreness and inflammation of the tongue and mouth, diarrhea, colitis, nervous and mental disorders, secondary anemia, and dullness and loss of hair; and that the hair is nourished by sulfur, iodine, and silicon, the stomach by sulfur and vitamin B₁, the brain by manganese, phosphorus,

and vitamins B and G, the gall bladder by sodium, the eyes by fluorine and vitamin A, the intestine by magnesium, the thyroid gland by iodine, the kidney by magnesium, the teeth by calcium, silicon, and vitamin D, the adrenal gland by magnesium and vitamins A, B, C, and G, the throat by vitamin A, the blood stream by iron, oxygen, hydrogen, and vitamin A, the liver by chlorine, the muscles by potassium, and the heart by potassium and vitamins A and G. Use of the article would not assure health to the user; it would not supply 9 vitamins and 12 minerals for which the need in human nutrition has been demonstrated and which are not supplied to the extent that they are needed in the ordinary diet; the vitamins A, B, C, D, E, G or B₂, B₆, niacin, and calcium pantothenate would not serve the purposes nor prevent the pathological conditions stated; and the parts of the body mentioned are not specifically nourished by the stated elements and vitamins.

Further misbranding, Section 403 (a), the label statements, "contain * * * Potassium, Sulphur, Sodium * * * Copper, Chlorine, Manganese, Zinc" and "The minimum daily requirements of * * * Potassium, Sulphur, Sodium * * * Copper, Chlorine, Zinc and Manganese have not yet been established for human nutrition," were misleading in the absence of a statement to the effect that these elements, to the extent that they may be needed in human nutrition, are supplied by the ordinary diet so that it is unnecessary to supplement the diet with preparations of them; Section 403 (i), the label failed to bear the common or usual name of each ingredient since the label statement, "Contains * * * Iron, Calcium, Phosphorus," did not reveal the common or usual names of the compounds of those elements present; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by man, by reason of its vitamin E, vitamin B₆, calcium pantothenate, and magnesium content, and its label failed to bear, as required by the regulations, the statement that the need in human nutrition for vitamin E, vitamin B₆, calcium pantothenate, and magnesium has not been established.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1439.

DISPOSITION: October 25, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the National Zoological Park, for use as animal feed.

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Allen, Charles R., Warehouse:		Bartley Co.:	
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Allied Mills, Inc.:		Berman-Swain Co.:	
soy grits	8682	self-rising flour	8669
American Maize Products Co.:		Bev Co.:	
corn sirup solids	8692	sirup	8691
American Saponin Co.:		Bonner Packing Co.:	
saponin	8790	fig paste	8752

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS—Continued

	N. J. No.		N. J. No.
Bowser Sales & Trading Co..		DeMartini, L., Co.:	
shell eggs-----	8719	walnut meats-----	8782
Braun Importing Co.:		Dionisio, R.:	
cashew kernels-----	8775	goat rennet-----	8793
Briganti Extract Co., Inc.:		Distribution Terminal Ware-	
green color-----	8791	house Co.:	
Buffalo Sugar and Coffee Service:		frozen egg whites-----	8718
coffee-----	8658	Draper Valley Distributors, Inc.	
California Raisin Co.:		<i>See</i> Marshall, J. O.	
raisins-----	8746	Dubuque Wholesale Grocers:	
California Sea Food Co.:		flour-----	8665, 8666
canned mackerel-----	8729	Eberle, C., Sons Co.:	
Cape Ann Fisheries, Inc.:		butter-----	8699
frozen whiting fillets-----	8736	Edgemar Farms:	
Carolina Chemical Co.:		butter-----	8705
Vitalex Vitamin and Iron Tab-		Ehler, Fleith, Mercantile Co.:	
lets-----	8799	frozen herring-----	8726
Cedergreen Frozen Pack Corp.:		Ehrat Cheese Co., Inc.:	
pea puree, frozen-----	8767	grated cheese-----	8708
squash, frozen-----	8772	Elmira Wholesale Grocery Co.:	
Chain of Lakes Duck Farm:		lima beans-----	8761
Singer's Earth Crust Minerals-----	8722	Enterprise Creamery:	
Chamberlain Canning Co.:		butter-----	8697
canned beans-----	8759	Farmers Equity Coop. Creamery:	
Chapin & Adams Corp.:		butter-----	8705
frozen whole eggs-----	8713	Farrington, E. T.:	
Cherokee Creamery, Inc.:		apples-----	8748
butter-----	8707	Fleith Ehler Mercantile Co.:	
Chesebro, Robbins & Graham		frozen herring-----	8726
Inc.:		Fresno Consumers Ice Co.:	
frozen shrimp-----	8734	raisins-----	8744
Clarksville Cooperative Canning		Friedman, B. C., & Sons, Inc.:	
Assoc. of Clarksville, Ark.:		Matzo Meal-----	8685
canned spinach-----	8771	Frigid Food Products, Inc.:	
Coffee Corp. of America:		butter-----	8696
coffee-----	8658	Garden Fruit Specialties Co.:	
Collins Flour Mills:		glace fruit-----	8756
flour-----	8662	General Produce Co.:	
Commonwealth Brewing Corp.:		frozen whole eggs-----	8715
beer and ale-----	8651	Gerau, Otto, Co.:	
Conklin, E. G.:		whole ginger-----	8788
popcorn-----	8675	Gervas Canning Co., Inc.:	
Consolidated Biscuit Co.:		canned cherries-----	8740
sweet meal-----	8683	Greer, Autry, & Sons:	
Consolidated Nut Co.:		rice-----	8678
shelled walnuts-----	8780	Grocery Store Products Co.:	
Crescent Seafood Sales Co., In.:		cream of rice-----	8679
crab meat-----	8723	Gulf States Pecan Co.:	
Crispo Cake Cone Co.:		shelled pecans-----	8779
ice cream cones-----	8660	Halfhill Co.:	
Cudahy Packing Co.:		canned mackerel-----	8728
butter-----	8695, 8704	Hardee, J. R., Jr.:	
Cumberland Dairy Products Co.,		frozen shrimp-----	8735
Inc.:		Harp, O. G., Poultry & Egg Co.:	
cheese-----	8709	butter-----	8700
Dairy Products Marketing Assoc.,		Hartley Creamery:	
Inc.:		butter-----	8703
butter-----	8694	Havana Canning Co.:	
Dalton Cooper, Inc.:		pecan meats-----	8777
nutmegs-----	8789	Hawaiian Pineapple Co.:	
Danches Bros.:		canned pineapple-----	8743
dried whole eggs-----	8712		

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS—Continued

	N. J. No.		N. J. No.
Hawksbill Cannery:		Meridian Grain & Elevator Co.:	
canned peaches-----	8741	hominy grits-----	8763
Heinz, H. J., Co.:		Midwest Fish Co.:	
raisins-----	8745	frozen herring-----	8725
Henson, J. M., Co.:		Miles-Bradford Co.:	
Cocoline-----	8792	canned cherries-----	8740
Higdon, Ira, Grocery Co.:		Minden Creamery Co.:	
self-rising flour-----	8672	butter-----	8706
Holland, Benjamin, Mfg. Co.:		Modern Marketing Service, Inc.:	
walnut meats-----	8781	canned apricots-----	8738
Hopkinsville Milling Co.:		Monroe Milling Co.:	
self-rising flour-----	8670	enriched flour-----	8674
Hygrade Food Products Corp.:		Morgan Packing Co.:	
butter and Cheddar cheese-----	8693	sauerkraut-----	8769
Inches, Howard, Products, Inc.:		Murphy, W. P.:	
Broth-O-Life-----	8795	honey-----	8689
International Milling Co.:		National Frosted Foods, Inc.:	
flour-----	8661	frozen cod, whiting, mackerel,	
Iowa Egg Co.:		rosefish, and mixed fish-----	8737
frozen whole eggs-----	8715	Nebraska Consolidated Mills Co.:	
Italian Cook Oil Corp.:		wheat cereal-----	8684
peanut and salad oil-----	8784	North American Creameries,	
Keim Produce Co.:		Inc.:	
fresh dates-----	8749	frozen eggs-----	8717
Kell, H. V.:		North Atlantic Fishery Products,	
flour-----	8663	Inc.:	
Klein Chocolate Co., Inc.:		Tidbits of Herring-----	8727
chocolate coating-----	8688	Northern Fruit Co.:	
Kroger Grocery & Baking Co.:		apples-----	8748
canned peaches-----	8742	Northport Cherry Factory, Inc.:	
Lafayette Mayonnaise Products		canned cherries-----	8739
Co.:		Original Wonder Bakers. See	
salad dressing-----	8785	Peterson, Charles.	
Lakeside Packing Co.:		Patten Concentrates, Inc.:	
canned peas-----	8766	Hi-B Complex Tablets-----	8797
Lawson Warehouse & Transfer:		Peterson, Charles:	
peanuts-----	8776	bread-----	8659
Lilly Co.:		Peterson, F. J.:	
Cocoline-----	8792	frozen whole eggs-----	8716
Lock's Laboratories:		Phillips Packing Co., Inc.:	
Lock's 9.12 Formula-----	8800	canned beans with pork-----	8760
Login Corp.:		Phillips Sales Co., Inc.:	
Vitamato-----	8798	canned beans with pork-----	8760
Londonderry:		Pierce Packing Co.:	
dessert stabilizer-----	8794	frozen whole eggs-----	8714
Lowell, E. I.:		Preserve Products Co.:	
liquid stabilizer-----	8652	apple butter-----	8750
Lucatelli Packing Co.:		jellies, assorted-----	8757
edible oils-----	8783	Pringle, R. D., Co.:	
McElmurray & Co.:		fig puree and sugar mix-----	8753
self-rising flour-----	8668	Producers Dairy Marketing	
Manley, Inc.:		Assoc.:	
popcorn-----	8676	butter-----	8699
Mann, D.:		Reagan Canning Co.:	
tomato juice-----	8653	grapefruit juice-----	8655
Mansfield Creamery:		Reco Sales Co.:	
butter-----	8696	sirups, fountain-----	8657
Marshall, J. O.:		pancake-----	8690
butter-----	8703	Reno Creamery Co.:	
Mayville Creamery Co.:		butter-----	8694
butter-----	8701	Riggin, W. E., & Co.:	
		oysters-----	8732

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS—Continued

	N. J. No.		N. J. No.
Riverdale Products Co.:		Standard Synthetics, Inc.:	
bone meal-----	8721	oil of lemon-----	8786
Rockville Coop. Creamery:		Stein-Hall Mfg. Co.:	
butter-----	8698	soy grits-----	8682
Roslyn Creamery Co.:		Sugar Creek Creamery Co.:	
butter-----	8702	butter-----	8695, 8696
Saboor Chatoor Co. of Colombo:		Sun-Maid Raisin Growers of Cali-	
areca nuts-----	8773	fornia:	
Sac County Trading Co.:		raisins-----	8745
popcorn-----	8677	Table Products Co.:	
Sardamack Fisheries:		vinegar-----	8758
canned mackerel-----	8728	Terminal Refrigerating & Ware-	
Schaefer, R. W.:		housing Corp.:	
meat and bone scraps-----	8720	shelled pecans-----	8778
Schaefer Feed Co. See Schaefer,		Tilghman Packing Co.:	
R. W.		oysters-----	8731
Schoenfeld, H., & Sons:		Townsend's California Glace	
dried mushrooms-----	8765	Fruits Corp.:	
Scott Co.:		glace apricots-----	8751
sauerkraut-----	8769	Tropical Foods Co.:	
Sea King Food Corp.:		canned oysters-----	8730
Tidbits of Herring-----	8727	Tru Blu Co.:	
Security Warehouse Co.:		beer and ale-----	8651
chocolate coating-----	8687	Universal Products:	
Seeman Brothers, Inc.:		Sol-A-Min-----	8796
canned fruit cocktail-----	8754	Utt Juice Co.:	
Shapiro Fisheries:		apricot juice-----	8656
frozen herring-----	8724	Vandewart, Mark, Co., Inc.:	
Shawnee Milling Co.:		Broth-O-Life-----	8795
self-rising flour-----	8671	Victory Extract Mfg. Co.:	
Shefford Cheese Co.:		imitation chocolate extract-----	8787
Limburger cheese-----	8710	Wentworth, O. E., & Co.:	
Shellabarger Mill & Elevator Co.:		oysters-----	8733
enriched self-rising flour-----	8673	West Mushroom Co.:	
Sherwood Co.:		canned mushrooms-----	8764
soya flour and Badex-----	8667	Withers, W. J.:	
Shevelove, J. J.:		canned fruit cocktail-----	8754
dried eggs-----	8711	Wittner, George, & Co., Inc.:	
Silver Shredded Sauerkraut:		butter-----	8701
sauerkraut-----	8770	Wright, W. S.:	
Singer, E. A. See Chain of Lakes		celery-----	8762
Duck Farm.		Yakima County Horticultural	
Southern Pacific Railroad Co.:		Union:	
frozen cod, whiting, mackerel,		apples-----	8747
rosefish, and mixed fish-----	8737	Zaloom & Co.:	
Southern Rice Co.:		cashew nuts-----	8774
rice grits-----	8680	Zigler Canning Co.:	
Spare-Way Food Products:		canned peaches-----	8742
cherry peppers-----	8768	Zimmer & Dunkak, Inc.:	
Spaulding Bakeries, Inc.:		butter-----	8702
glace fruit-----	8756		

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